

JOURNAL

OF

THE SENATE

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA,

BEGUN AND HELD

IN THE CITY OF TUSKALOOSA,

ON THE

FIRST MONDAY IN DECEMBER,

1841.

TUSKALOOSA:

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1842.

JOURNAL OF THE SENATE.

MONDAY, November 1, 1841.

On this, the 1st day of November, in the year of our Lord, one thousand eight hundred and forty-one, being the 1st Monday in said month, and the day fixed by law for the annual meeting of the General Assembly of the State of Alabama, at the city of Tuscaloosa, the following members of the Senate, appeared in the Senate Chamber of the Capitol, and took their seats, to wit:

From the senatorial district composed of the }	
county of Benton,.....	JOHN R. CLARKE.
Autauga and Coosa,.....	DIXON HALL.
Cherokee and DeKalb,.....	ARTHUR FOSTER.
Clarke, Balkwin and Washington,.....	GERARD V. CREAGH.
Franklin, ...	BENJ. HUDSON.
Henry, Covington and Dale,.....	AUGUS McALLISTER.
Jackson, ...	THOMAS WILSON.
Lauderdale, ...	HUGH McVAY.
Lawrence, ...	HUGH M. RODGERS.
Limestone, ...	NATH. TERRY.
Lowndes,.....	JOHN S. HUNTER.
Macon and Tallapoosa,.....	SAM'L C. DAILEY.
Blount and Marshall,.....	MACE T. P. BRINDLEY.
Mobile,.....	THEOPHILUS L. TOULMIN.
Marion and Fayette,.....	B. W. WILSON.
Monroe and Conecuh,.....	S. S. ADDRESS.
Morgan and Walker,.....	MILTON McCLANAHAN.
Pickens, ...	PEYTON KING.
St. Clair and Jefferson,.....	W. K. BAYLOR.
Talladega, ...	F. G. McCONNELL.
Sumter,.....	JOHN E. JONES.
Randolph,.....	GEORGE REESE.
Tuskaloosa, ...	DENNIS DENT.
Dallas, ...	WM. S. PHILLIPS.
Shelby and Bibb,.....	DAN'L E. WATROUS.
Wilcox, ...	WALTER R. ROSS.
Greene,.....	H. I. THORNTON.
Madison,.....	D. B. TURNER.

On motion of Mr Reese, Mr Hudson was called to the chair, and George B.

Clitherall appointed Secretary pro tem. when the following Senators elected at the last general election, to wit: W. K. Baylor, W. R. Ross, W. S. Phillips, A. Foster, T. L. Toulmin, P. King, M. McClanahan, M. T. P. Brindley, H. McVay, J. L. Hunter and B. Hudson, were qualified and took their seats.

On motion the Senate proceeded to the election of President, the Hon. NATHANIEL TERRY alone being in nomination, received the whole number of votes given, was declared by the Chair, duly and constitutionally elected.

Mr Terry was then conducted to the Chair by Senators McConnell and Turner, from whence he made his acknowledgments, was qualified and entered upon the discharge of the duties of his office.

The Senate then proceeded to the election of a Secretary: Messrs JOHNSON, J. HOOPER, B. A. PHILPOT and DAVID WOODRUFF, being in nomination

Those who voted for Mr Hooper are messrs Clarke, Dailey, Jones and Reese—4.

Those who voted for Mr Philpot are messrs Baylor, Brindley, Foster, Hall, Hudson, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Turner, Wilson of F. and Wilson of J.—15.

Those who voted for Mr Woodruff, are messrs Address, Creagh, Dent, Hunter, King, Phillips, Ross, Thornton and Watrous—9.

Mr Philpot having received a majority of the whole number of votes given, was declared by Mr President to be duly and constitutionally elected Secretary of the Senate, was qualified and entered upon the discharge of the duties of his office.

The Senate next proceeded to the election of an Assistant Secretary:—Messrs G. B. CLITHERALL, J. D. BAGBY, A. B. STEVENS, SEABORN WATTS and BAYLOR B. BARKER being in nomination.

Those who voted for Mr Clitherall, are messrs Address, Baylor, Creagh, Dailey, Hudson, Jones, King, McAllister, Phillips, Reese, Ross, Rodgers, Terry, Toulmin and Thornton—15.

Those who voted for Mr Bagby are messrs McConnell and Wilson of F.—2.

Those who voted for Mr Stevens are, messrs Hall, Hunter and Watrous—3.

Those who voted for Mr Watts are messrs Brindley, Clarke, Foster and McClanahan—4.

Those who voted for Mr Barker, are messrs Dent, McVay, Turner and Wilson of J.—4.

Mr Clitherall having received a majority of the whole number of votes given, was declared by Mr President to be duly and constitutionally elected Assistant Secretary, was qualified and entered upon the discharge of the duties of his office.

The Senate then proceeded to the election of a Door Keeper: messrs A. R. THOMAS, C. C. DONOHUE, R. IVY, WM. MCKNIGHT and R. M. RODGERS being in nomination.

Those who voted for Mr Thomas are, messrs Address, Hudson, Hunter, King, Phillips, Ross, Thornton and Watrous.

Those who voted for Mr Donohue, are messrs Dent, Foster, McConnell and McVay.

Those who voted for Mr Ivy, are messrs Baylor, Brindley, Wilson of F. and Wilson of J.

Those who voted for Mr McKnight, are messrs Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin.

Those who voted for Mr Rodgers are messrs Jones, Rodgers, Terry and Turner.

Neither having received a majority, the Senate proceeded to ballot a second time.

Those who voted for Mr Thomas are messrs Andress, Hudson, Hunter, King, Phillips, Ross, Thornton and Watrous.

Those who voted for Mr Donoho, are messrs Dent, Foster, McConnell and McVay.

Those who voted for Mr Ivy are messrs Baylor, Brindley, Clarke, Wilson of F. and Wilson of J.

Those who voted for Mr McKnight, are messrs Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin.

Those who voted Mr Rodgers, are messrs President, Jones, Rodgers and Turner.

Neither having received a majority, the Senate proceeded to ballot a third time.

Those who voted for Mr Thomas, are messrs Andress, Hudson, Hunter, King, Phillips, Ross, Rodgers, Thornton and Watrous.

Those who voted for Mr Donoho, are messrs Dent, Foster, McConnell and McVay.

Those who voted for Mr Ivy, are messrs Baylor, Brindley, Wilson of F. and Wilson of J.

Those who voted for Mr McKnight, are messrs Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin.

Those who voted for Mr Rodgers, are Mr President, Jones and Turner.

Neither having received a majority, the Senate proceeded to ballot a fourth time, the name of Mr Rodgers having been withdrawn.

Those who voted for Mr Thomas, are messrs Andress, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers, Thornton and Watrous.

Those who voted for Mr Donoho, are messrs Dent, Foster, Jones, McConnell and Wilson of F.

Those who voted for Mr Ivy are messrs Baylor, Brindley, Turner and Wilson of J.

Those who voted for Mr McKnight, are messrs President, Clarke, Creagh, Dailey, Hall, McAllister, Reese and Toulmin.

Neither having received a majority, the Senate proceeded to ballot a fifth time.

Those who voted for Mr Thomas, are messrs Andress, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers, Thornton, Watrous and Wilson of J.

Those who voted for Mr Donoho, are messrs Baylor, Dent, Foster, Jones, McConnell, Turner and Wilson of F.

Those who voted for Mr McKnight, are messrs President, Brindley, Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin.

Neither having received a majority, the Senate proceeded to ballot a sixth time. The name of Mr Ivy having been withdrawn.

Those who voted for Mr Thomas, are messrs Andress, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers, Thornton, Watrous and Wilson of J.

Those who voted for Mr Donoho are messrs Baylor, Dent, Foster, Jones, McConnell, Turner and Wilson of F.

Those who voted for Mr McKnight, are messrs President, Brindley,

Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin. Neither having received a majority, the Senate proceeded to ballot a seventh time.

Those who voted for Mr Thomas, are messrs Andress, Hudson, Hunter, McVay, Phillips, Ross, Rodgers, Thornton and Watrous.

Those who voted for Mr Donoho, are messrs Baylor, Dent, Foster, Jones, King, McConnell, Turner, Wilson of F. and Wilson of J.

Those who voted for Mr McKnight are messrs President, Brindley, Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin.

Neither having received a majority, the Senate proceeded to ballot the eighth time.

Those who voted for Mr Thomas, are messrs Andress, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers, Thornton and Watrous.

Those who voted for Mr Donoho, are messrs Baylor, Brindley, Dent, Foster, Jones, McConnell, Turner, Wilson of F and Wilson of J.

Those who voted for Mr McKnight are messrs President, Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin. Neither having received a majority, the Senate proceeded to ballot a ninth time.

Those who voted for Mr Thomas, are messrs Andress, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers, Thornton and Watrous.

Those who voted for Mr Donoho are messrs Baylor, Brindley, Dent, Foster, Jones, McConnell, Turner, Wilson of F. and Wilson of J.

Those who voted for Mr McKnight, are messrs President, Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin.

Neither having received a majority, the Senate proceeded to ballot the tenth time.

Those who voted for Mr Thomas, are messrs Andress, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers and Thornton.

Those who voted for Mr Donoho, are messrs Baylor, Brindley, Dent, Foster, Jones, McConnell, Turner, Wilson of F. and Wilson of J.

Those who voted for Mr McKnight, are messrs President, Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin.

Neither having received a majority of the whole number of votes given, the Senate proceeded to ballot the eleventh time.

Those who voted for Mr Thomas are messrs Andress, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers, Thornton and Watrous.

Those who voted for Mr Donoho, are messrs Baylor, Brindley, Dent, Foster, Jones, McConnell, Turner, Wilson of F. and Wilson of J.

Those who voted for Mr McKnight, are messrs President, Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese and Toulmin.

Neither having received a majority, the Senate proceeded to ballot the twelfth time.

Those who voted for Mr Thomas, are messrs Andress, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers, Thornton and Wilson of J.

Those who voted for Mr Donoho are messrs Baylor, Brindley, Dent, Foster, Jones, McConnell and Wilson of F.

Those who voted for Mr McKnight, are messrs President, Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese, Toulmin and Watrous.

Neither having received a majority, the Senate proceeded to ballot the thirteenth time.

Those who voted for Mr Thomas, are messrs Address, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers and Thornton.

Those who voted for Mr Donoho, are messrs Baylor, Brindley, Dent, Foster, Jones, McConnell, Turner, Watrous and Wilson of F.

Those who voted for Mr McKnight, are messrs President, Clarke, Creagh, Dailey, Hall, McAllister, McClanahan, Reese, Toulmin and Wilson of J.

Neither having received a majority, the Senate proceeded to ballot the fourteenth time.

Those who voted for Mr Thomas, are messrs Address, Hudson, Hunter, King, McVay, Ross, Rodgers, Thornton, Watrous and Wilson of J.

Those who voted for Mr Donoho, are messrs Baylor, Brindley, Dent, Foster, McConnell, Turner and Wilson of J.

For Mr McKnight: Messrs President, Clarke, Creagh, Daily, Hall, Jones, McAllister, McClanahan, Phillips, Reese, and Toulmin.

Neither having received a majority, the Senate proceeded to ballot the fifteenth time.

Those who voted for Mr Thomas: are Messrs Address, Hunter, King, McVay, Phillips, Ross, Rodgers, Watrous, and Wilson of J.

For Mr McKnight: Messrs President, Baylor, Brindley, Clarke, Creagh, Dailey, Hall, Jones, McAllister, McClanahan, Reese, and Toulmin.

For Mr Donoho: Messrs Address, Dent, Foster, McConnell, Turner, Thornton, and Wilson of F.

Neither having received a majority, the Senate proceeded to ballot again, it being the sixteenth time.

Those who voted for Mr Thomas: are Messrs Address, Hudson, Hunter, King, McVay, Phillips, Ross, Rodgers, and Thornton.

For Mr Donoho: Messrs Baylor, Dailey, Dent, Foster, Jones, McConnell, Turner, Thornton, Wilson of F. and Wilson of J.

For Mr McKnight: Messrs President, Brindley, Clarke, Creagh, Hall, McAllister, McClanahan, Reese, and Toulmin.

Neither having received a majority, the Senate proceeded to ballot the seventeenth time.

Those who voted for Mr Thomas: are Messrs Hudson, Hunter, McVay, Ross, and Watrous.

For Mr Donoho: Messrs Address, Baylor, Brindley, Creagh, Dailey, Dent, Foster, Jones, King, McConnell, Phillips, Rodgers, Toulmin, Turner, Thornton, Wilson of F. and Wilson of J.—17.

For Mr McKnight: Messrs President, Clarke, Hall, McAllister, McClanahan, and Reese.

Mr Donoho, having received a majority of the whole number of votes given, was declared by Mr President, duly and constitutionally elected Door-keeper; was qualified, and entered upon the discharge of the duties of his office.

On motion of Mr Hudson: **RESOLVED**, that the standing rules, adopted for the government of Senate, at the last annual session, be adopted for the government of the Senate, during the present session, until otherwise ordered.

On motion of Mr Hudson: **RESOLVED**, that the chair appoint the usual standing committees of the Senate, and report the same as early as practicable.

On motion of Mr Wilson, of Jackson: **RESOLVED**, that the Door-keeper be

instructed to contract for, and furnish the Senate with stationery and fuel during the present session.

On motion of Mr Hudson: **RESOLVED**, that the House of Representatives be informed that a quorum of the Senate has convened in the Senate Chamber of the State Capitol,—have organized by electing the Hon. Nathaniel Terry, of Limestone, President; B. A. Philpot, of Morgan, Secretary; Major George B. Clitherall, of Greene, Assistant Secretary; and Mr C. C. Donoho, of Tuscaloosa, Door-keeper, and are now ready to proceed to the transaction of public business.

On motion of Mr Wilson, of F: **RESOLVED**, that the editors of all newspapers, printed in this State, be allowed to have seats within the bar of the Senate, as reporters.

On motion of Mr Hudson: **RESOLVED**, that a committee of three be appointed, to act with such committee as may be appointed on the part of the House, to wait upon his Excellency the Governor, and inform him of the organization of the two Houses, and that they are now ready to receive any communication that he may think proper to make to them.

In accordance with the foregoing resolution, the chair appointed messrs Hudson, McVay, and Reese, said committee.

On motion of Mr Dent, the Senate then adjourned until to-morrow morning, at 10 o'clock.

TUESDAY, NOV. 2, 1841.

The Senate met pursuant to adjournment, messrs Jefferson Buford, Senator from Barbour and Russell, and Jesse Womack, Senator from the district composed of the counties of Butler and Pike, appeared in the Senate chamber, and took their seats.

Mr President laid before the Senate the following communication:

UNIVERSITY OF ALABAMA, NOV. 2, 1841.

To the Honorable the Present of the Senate of the State of Alabama:

The senior class in the University of the State, will be under examination as candidates for degrees, on Wednesday, Thursday, and Friday, of this week. Hours of examination at 9 to 11 o'clock, A. M. and from 2 to 4 o'clock P. M. I beg leave respectfully, to invite you, and through you, the Honorable Senators individually, to attend; so far as public business and convenience may permit.

With high respect, your obedient servant,

B. MANLY, Pres. Uni. Ala.

Which was read, and on motion of Mr Reese, laid on the table.

On motion of Mr Phillips, the vote taken yesterday, on the adoption of the resolution, instructing the door-keeper, to contract for, and furnish the Senate with stationery and fuel during the present session, was reconsidered.

Mr Hudson moved to strike out the words "stationery and" which prevailed, the question then recurred upon the adoption of the resolution as amended; which was carried.

The following message was received from the House of Representatives, by Mr Tunstall:

Mr President—The House of Representatives have adopted the following resolution. **RESOLVED**, that the Senate be informed that the House of Representatives have organized by electing the Hon. David Moore, Speaker; T.

B. Tunstall, Clerk; Algernon Cook, Assistant Clerk; Wilson C. Bibb, Engrossing Clerk; James H. Owen, Door-keeper; and Crockett Davis, Messenger; and are now ready to proceed to business. The House of Representatives have also concurred in the resolution of the Senate, proposing to appoint a committee, to act with such committee as may be appointed on the part of the House of Representatives, to wait upon his Excellency the Governor, and inform him of the organization of the two Houses of the General Assembly, and are now ready to receive any communication which he may think proper to make; whereupon messrs Reynolds, McAlpin of G. and Hogan, were appointed said committee.

Mr Hudson presented the account of John P. Lamb, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Hall presented the petition of sundry citizens of the county of Autauga, the reading of which was dispensed with, and on motion, referred to the committee on privileges and elections.

Mr Hudson from the committee appointed on the part of the Senate, to wait upon his Excellency the Governor, and inform him of the organization of the two Houses, and that they were ready to receive any communication which he might think proper to make; reported that the committee had performed the duty assigned them, and received for answer, that his annual communication would be submitted on this day, at 11 o'clock, A. M.

Mr McConnell presented the memorial of Robert Douglass, which was referred to the committee on the judiciary.

On motion of Mr Turner: **RESOLVED**, that the committee on the State Bank, be instructed to inquire into the expediency of repealing an act entitled an act, to pay directors of the State Bank and its several Branches.

On motion of Mr Dent: **RESOLVED**, that the door-keeper be authorised to have printed, a sufficient number of copies of the rules adopted for the government of the Senate, and that each Senator be furnished with a copy of the same.

On motion of Mr Reese: **RESOLVED**, that a committee be appointed to revise and report rules for the government of the Senate; whereupon messrs Reese, McClanahan, and Dent, were appointed said committee.

Mr Hudson introduced a bill, to be entitled an act, to compel the judge of the county court of the county of Franklin, to reside at, or within three miles of the court-house; which was read the first time, and the constitutional rule being dispensed with, it was read a second time forthwith.

On motion of Mr Phillips, the bill was amended, by striking out the word thirty, where it occurs, and inserting in lieu thereof, the word sixty.

Mr Andress moved further to amend, so as to make it read counties of Franklin and Monroe; which was carried.

The bill was then ordered to be engrossed for a third reading on to-morrow.

On motion of Mr McConnell: **RESOLVED**, that the chairman of the State Bank committee be instructed to inquire of the cashiers of the State Bank and Branches, if the salaries of any of the officers have been increased during 1841, if so, what amount, and for what services, and whether their usual salary was still being paid, with leave to report by bill or otherwise.

Mr President announced the following Standing Committees;

ON PROPOSITIONS AND GRIEVANCES—Messrs McVay, Andress, Creagh, Turner, and Clarke.

ON PRIVILEGES AND ELECTIONS—Messrs Wilson, of F., McAllister, Dent, Watrous, Reese, McClanahan and Ross.

ON ENROLLED BILLS—Messrs Jones, Ross, Wilson, of J., Rodgers and Womack.

ON THE JUDICIARY—Messrs Thornton, Baylor, Hunter, Foster, Hunter, Wilson, of F., Lea, Phillips, Buford, Alston, McConnell, Reese, Hudson, Turner, Jones, and Watrous.

ON INLAND NAVIGATION AND INTERNAL IMPROVEMENT—Messrs Lea, Reese, King, Baylor, Wilson, of F., McVay, Dailey, Phillips, Alston, and Oliver.

ON ROADS, BRIDGES AND FERRIES—Messrs Turner, Hudson, Ross, Brindley, King, and Clarke.

ON DIVORCE AND ALIMONY—Messrs Alston, Brindley, Watrous, Rodgers, Andress and Womack.

ON INDIAN EXPENDITURES—Messrs McAllister, McConnell, Dent, Dailey, Foster, Buford, and Reese.

ON STATE PRINTING—Messrs Creagh, Hudson, Foster, Rodgers, Turner, McAllister, Alston, and Dent.

ON THE PENITENTIARY—Messrs Hall, Reese, Oliver, Hudson, Brindley, Hunter and Watrous.

ON ACCOUNTS AND CLAIMS—Messrs Hudson, Hall, Jones, Creagh, Womack, Turner, and Alston.

ON RETRENCHMENT—Messrs Reese, Phillips, Jones, Thornton, Lea, King, and Rodgers.

ON COUNTY BOUNDARIES—Messrs McConnell, McAllister, Womack, Rodgers, Watrous and Dailey.

ON EDUCATION—Messrs Baylor, Oliver, Jones, King, Creagh, Hunter, Dent, Clarke, Daily, and Buford.

ON THE STATE CAPITOL—Messrs Dent, McClanahan, Andress, Brindley, and Womack.

ON THE STATE BANK—Messrs Toulmin, Jones, Thornton, Dent, Turner, Hudson, Clarke, Oliver, McClanahan, Lea, and Baylor.

ON MILITARY AFFAIRS—Messrs McClanahan, Dent, Hall, Ross, McAllister, Buford and Creagh.

A Message was received from his Excellency the Governor, by J. D. Bagby, his Private Secretary, which is as follows, to wit:

EXECUTIVE DEPARTMENT,
TUSCALOOSA, November 1st, 1841.

Gentlemen of the Senate,

and of House of Representatives:

Nothing is better calculated to illustrate the excellence and beauty of our representative system, than the recurrence of the seasons, and of events, by which the chosen representatives of a free people annually assemble, at the capitol of the State, for the purpose of making suitable returns for the confidence reposed in them, by the enactment of wise and salutary laws, and throwing additional safeguards around the essential rights of life, liberty and property. It is for these high purposes you are now assembled—and no doubt is entertained, that the elevated character and importance of the trust

confided to your patriotism, intelligence and virtue, will sufficiently admonish you of the solemn obligation you are under to perform the duties arising from that trust, with perfect fidelity. Tendering you my most cordial and respectful salutations, and repeating the assurance heretofore given, of my perfect readiness heartily to co-operate with you in all measures having a tendency to promote the public good—let us unite in supplicating the Divine Goodness to over-rule and direct all our proceedings in such a manner as to promote the best interests of the people of Alabama, and furnish an example worthy the imitation of after times.

In the history of the past year, nothing has occurred in our public affairs out of the ordinary course of events. Every branch of industry is likely to meet a corresponding reward; and it is a source of peculiar satisfaction to be enabled to remark, that, by a most praiseworthy and commendable system of frugality and industry, the people are rapidly extricating themselves from the pecuniary embarrassments almost necessarily and inseparably incident to a season of apparent prosperity, and of actual exertion, speculation and enterprise, like that through which we, in common with others, have recently passed. With annual and increasing exports of upwards of twenty millions of dollars, and with vast resources not yet fully developed, and, consequently unproductive, nothing is wanting but perseverance in the habits of industry so happily begun, and now in successful operation, to enable Alabama to progress rapidly in the onward march to the high rank she is destined to attain among the States of the American Union. To exalt her to that proud station, should be the incessant object of her public servants.

Under the act of the 3th of January, 1841, entitled "An act to wind up the land office at Courtland." I appointed Robert Fenner and R. B. Jones, Esq's, commissioners to make final settlement with the Register and Receiver, and with all other officers connected with said office, whose accounts were unsettled. This duty was promptly performed by the commissioners, and I am happy to be able to say that the business of said office had been conducted with perfect fidelity. The books and papers pertaining to the office, have, according to the provision of the act for winding up its affairs, been transferred to the office of the Secretary of State. The report of the commissioners will, no doubt, be communicated to you in due time: and as the act under which they were appointed made no provision for their compensation, it will become your duty to make a suitable provision upon that subject. The expense of transferring the books and papers from Courtland to the State Department was paid out of the contingent fund.

In fulfilment of the duty imposed on the Executive, by the act of the 9th January, 1841, entitled "An act in relation to the public arms," I completed the Board of commissioners created by the act for the erection of the State Capitol, by adding to the number John D. Phelan, Dennis Dent, and Jones M. Withers; and the commissioners, after the Board was organized, purchased a building already erected, in an eligible part of the city, for a State Arsenal, for three thousand dollars—provided the Legislature should sanction it. Fully satisfied that the commissioners consulted the interest of the State, in purchasing, rather than building, and that the house and lot purchased are richly worth the money agreed to be paid for them, I respectfully recommend that the contract be ratified by the Legislature, and that a further appropriation be made in order to pay for them, (including, of course, the portion of the

appropriation heretofore made and applied to that object.) A part of the former appropriation, as will be seen from the Comptroller's report, was reserved, by the commissioners, for the purpose of making the necessary repairs and alteration in the building purchased, to adapt it to the use intended to be made of it. Good and sufficient titles have already been executed to the State, to the property in question.

The act making it my duty to cause the camp equipage, furnished at the expense of the State, to be sold, in those brigades of Militia in which encampment drills have been abolished, has not been complied with. It occurred to me, on reflection, that the attempt to sell these articles would result, almost certainly, in nearly the entire loss of the amount expended in their purchase. I therefore considered that it would be better to have them brought to the seat of Government, and deposited in the public Arsenal, which is sufficiently capacious to hold them, and where they can be taken care of with very little additional trouble or expense. In order to prevent the further accumulation of expense on this subject, I caused an order to be issued on the 25th day of June, 1841, to prohibit the further purchase of articles of this description, at the expense of the State—and informing Brigadier Generals commanding brigades in which the encampment drills had not been abolished, and which were unfurnished with camp equipage, that they could be supplied from those in which camp equipage had been furnished, and in which the drills were abolished.

I have found it impracticable to sell the Reports of the Decisions of the Supreme Court, at the price fixed by the joint resolution of the 15th December, 1840—nor do I think it at all probable that all of them can ever be sold at that price. The truth is, that the number of some of the volumes now in the Library, greatly exceeds any demand likely to arise for them. I respectfully recommend to the General Assembly such further legislation upon the subject as, in their judgment, may be most likely to reimburse the amount expended in their publication. I have continued to deposite them with the booksellers in Tuscaloosa, to be sold on account of the State, in the same manner they were disposed of before the passage of the law above referred to.

In connection with this subject, I beg leave to bring to your notice, the propriety of providing for a new and more perfect Digest of the Laws of Alabama. Among other reasons for making this suggestion, it may be remarked, that the number of copies of the last edition is entirely exhausted, and that it was found necessary, after the last general election for county officers to purchase fifty copies of the Digest, in order to supply all the counties—which were paid for out of the proceeds of the sales of the Reports, as will be seen by reference to the account of J. Lacy & Co.

The building of the Penitentiary was completed and the keys delivered to the commissioners on the 27th ultimo.—The report of the commissioners will, in a few days, give you particular information in relation to the fulfilment of the contract, and the style and manner of the workmanship.

I look with confident expectation to this institution, as one likely to be productive of the most salutary effect, both in the prevention and punishment of crime; and, indeed, as the only system which can carry out that great principle of humanity and benevolence engrafted upon our Constitution, and which reflects imperishable credit upon its framers; which requires that our penal code shall be founded on principles of reformation, and not of vindic-

tive justice. The success and the salutary effects of this system, however must depend, in a great measure, upon the wisdom of the Legislature in adapting to each offence a punishment proportioned to its magnitude—taking care never to exceed, in the way of punishment, the bounds of enlightened and virtuous public opinion; for it may be affirmed of every country having the semblance of freedom, and especially of our own free and happy land, that penal enactments will never be carried into effect where, in the opinion of the great body of the people, they are too severe.

True policy, therefore, and a desire to see such laws as may be enacted carried into effect, should always induce us to lean to the side of clemency and moderation.

Inasmuch as I have but recently been officially informed, by the commissioners, of the completion of the building, I have not issued a proclamation giving effect and operation to the penal code. That will be done in a few days.

The Banking system of the State of Alabama, continues to be a subject of increasing solicitude and anxiety with the community at large, and will, I trust, commend itself to the early and diligent attention of the General Assembly. This system has been in operation eighteen years. In that time it has experienced all the vicissitudes of prosperity and adversity, to which a period of that duration subjects human institutions. It has passed through seasons of great prosperity, calculated to develope and unfold its abilities and usefulness; and it has experienced the wintry gale of adversity to a sufficient extent to test its energies, and the correctness of the principles on which it is founded. Aided by the full light of experience and intimate observation, through a long series of years, the grave and important questions now presented, for the deliberate consideration of the General Assembly, are, whether, upon a full and candid review of the operation and effect of this system upon the public interest, it has answered well the ends and the objects of its establishment, by furnishing a circulation of steady undepreciated value; affording a safe depository for the public funds—and furnishes a reasonable hope that it will, by the success of its operations, continue to pay the interest on the capital stock; and finally to reimburse that capital, for the payment of which the faith and credit of the State are solemnly pledged? However gratifying it might be to a just sense of patriotism and State pride, to be able to give an affirmative answer to all these questions, candor imperatively requires that most of them should be answered in the negative. For, although it is with pleasure admitted that the public funds committed to the custody and safe-keeping of the bank, and forming a part of the capital; the payment of the interest and redemption of the stock, depending as they do, upon the sure foundation of our plighted public faith, are beyond the reach of accident; it is no less true, that the present condition of the banks is not such as to afford satisfaction and encouragement to the community, either in regard to their past management or to inspire full confidence in their future success. The large amount of bad and doubtful debts—the enormous sums due from individuals, most of which will, in all probability, should the general bankrupt law go into effect, be settled in the compendious mode of schedule and affidavit,—and the fearful encroachment already made on the capital stock—are considerations well calculated to cast the most ominous conjectures on the success of the whole system.

Whether the failure of these institutions to realize the reasonable expectations of the public, is owing to defects inherent in the system, or is to be found in the manner of selecting the boards of directors, and in which they have managed the affairs of the banks, is the question now submitted for your candid, deliberate, determination. And upon the correct decision of that question, depends the fate of the banks, and the circulating medium of Alabama. If the defects are in the system, and are radical, they are admitted to be without remedy, and the system ought to be abandoned, at least as soon as a proper substitute could be provided. And I have no hesitation in declaring it as my settled opinion, that if the present mode of electing directors is to be continued, the sooner the State bank and branches are wound up the better. If, on the other hand, the defect lies in the manner in which the directors are elected, and in which the affairs of the banks have been conducted, it becomes the indispensable duty of the Legislature to apply the corrective, and to adopt such measures as will insure their better management hereafter. It has been my misfortune to differ with a majority of the Legislature, in relation to the manner of electing bank directors; and in relation to many important points of policy in the management of the banks. Whether the measures recommended by me would have been salutary in their operation, cannot, with certainty, be asserted; but that the course pursued by the Legislature has been most disastrous in its effects upon the banks, is, unfortunately, no longer a problem. But for the settled conviction resting on my own mind, that in the present state of society, a paper currency is indispensable, and can be only constitutionally furnished by the States, and not by the General Government, the discouragements I have experienced in endeavoring, so far as Alabama is concerned, to place the State banks on a better footing, would have induced me to abandon the present system altogether, and to have looked to some other expedient, within the purview of the constitution, as a substitute. And I still think, with entire respect for the opinion of others, that the State bank system is susceptible of being rendered a source of incalculable benefit to the people of Alabama. I believe further, that the State bank system is destined ultimately, under some modification or other, to furnish the paper circulation of this Union.

In reflecting upon such measures as would most likely tend to alleviate and improve the present condition of the banks, and enable them to regain a sound and healthy action, the following have occurred to me as most likely to be productive of that desirable result; and they are, therefore, with becoming deference, respectfully recommended for your consideration. Still satisfied, and even more deeply confirmed than ever, in the correctness of the opinion, that the present mode of electing directors is not only erroneous, but will prove fatal to the banks, if persevered in, I am of opinion that it should be changed, so as to make it the duty of the Governor to nominate double the number to be elected, and for the Senate, or the two Houses jointly, to select from that number the directors for each bank. The presidents should, I think, be elected as at present, by joint vote of the two Houses. I am also of opinion, that the number of directors should be reduced to two, and a president, for each bank; that they be paid a sufficient salary to secure the best financial talents; and that they be required to devote their constant time and attention to the business of the banks, until they are in a condition to resume specie payments. It will be proper also to adopt suitable measures to com-

pel punctual attention to their duties, and to punish them for negligence or malpractice in office.

No doubt it will be objected to the proposition to reduce the number of directors, that it is aristocratic to take power from a large and bestow it on a smaller number; and that the proposition to increase the compensation, is anti-republican in its tendency. These objections sound loftily in theory, and are strictly correct in practice. But the mistake, the entire mistake, consists in their application to the present case. Who ever heard of a man seeking the appointment of a bank director either from patriotic motives or for the distinction it confers? On the contrary, the accounts of many of the directors, from 1834 to 1837, prove that they were under the influence of a much more powerful motive than the love of country or the love of fame. And, even if it were otherwise, it may be safely affirmed that no greater or more fatal error has been, or can be, committed, in regard to the management of the banks, than that they ought to be conducted on what are usually termed popular principles. The office of bank directors certainly would be, of all others, the most desirable, if the capital of the bank was increased by being constantly used, and every man could be supplied with whatever amount his necessities required, whether he was able to pay it or not. But this not being the case, the capital being borrowed, no man ought to be permitted to borrow unless he be able and willing to pay. Equally delusive and ruinous to the banks, will be found the fanciful expectation of obtaining competent talents to manage the laborious and multifarious concerns of a banking institution, already extensively embarrassed, ably and successfully, without adequate compensation. It may be remarked, as a general rule, both in regard to public and private affairs, that those who are willing to labor for nothing, fall, most usually, under the denomination of hard bargains. This remark does not, of course, refer to offices which confer great political distinction, which are doubtless sought, in many instances, even at an entire sacrifice of every thing like pecuniary emolument, from a love of honest fame and the more ennobling feeling of patriotism. But, so far as our banks are concerned, experience furnishes ample testimony to the fact, that their present embarrassed condition is owing in a great measure to the election, in former periods, of directors, who accepted the situations without any stipulated compensation sufficient to compensate a man of ordinary capacity, with the fixed determination to compensate themselves. Volunteers certainly answer admirably in some departments of service; but experience has amply proved, that they are not always the appropriate corps from which to select bank directors. The most fatal tendency of the present course pursued, both in legislation and the management of the banks, is, that it will inevitably place them under the control of their debtors. Let this state of things be once accomplished, and it requires no participation in the spirit of prophecy to foretell that the best directed legislation afterwards will be of no avail.

Transacting a large portion of their business on long time, has also been a prolific source of evil to the banks, and one, the effect of which, they cannot much longer withstand. It is, therefore, respectfully suggested, that the banks be prohibited from discounting any promissory note having more than four months to run, and not to be renewed in any case; and from purchasing any bill of exchange having more than six months, secured by two good endorsers, and drawn against shipments of produce, at least to the amount of

the bill, or actual funds at the point where the bill is to be paid. The present amount of circulation, which is about seven millions, is believed to be entirely adequate to the sound business wants of the country, and ought not to be increased. It is particularly recommended to enlarge the discretionary powers of the directors in regard to the security and collection of debts; and to enable each bank to appoint a marshal, with the same powers, in all cases in which the bank is plaintiff, as are now exercised by the sheriffs of the respective counties throughout the State. The salary of the bank attorneys is entirely too low, and ought to be increased by law, or left to the board of directors, within a reasonable limit, beyond which they should not go.

I also consider it my duty, though I admit it is an unpleasant one, to recommend that the banks be relieved, at least for the present, from defraying the expenses of the State government. It is a maxim, that to tax and to please, any more than to love and be wise, is a difficult matter. But it is also true, that taxation, in some form or other, is indispensable to the support of government; and my own reflections long since led me to conclude, that if the amount was kept down to the actual wants of the government, the more directly it was paid the better. The people are then constantly sensible of the amount of the contribution exacted from them for the support of government; and they take care that they never exceed the amount absolutely necessary for its support, administered on the most economical scale. Whatever may be the correctness of this view, I have sufficient confidence in the patriotism and magnanimity of the people of Alabama, exhibited on so many occasions, to believe that they will submit cheerfully to the payment of a sufficient amount to defray the expenses of the State government; more especially when, by doing so, they will avert evils of greater magnitude. Indeed, I feel fully satisfied, that the people will not, for a moment, compromise their high claims to magnanimity, by leaning on the banks to defray the expenses of the State government, when those institutions are not in a situation to redeem their own notes. It were superfluous to remind the General Assembly, that taxation is, of all others, the most delicate operation of free government, and that in amount it ought to be kept down to an economical standard; and be so regulated, as to operate with as much equality as is attainable in human affairs.

The law setting apart \$200,000 annually, in aid of the valueless sixteenth sections, operates most injuriously on the interest and the business of the banks, and ought to be repealed. It is admitted that the appropriation of this sum is directed to a most commendable and desirable object; and if the banks were in the full tide of successful operation, I should not advocate the withdrawal of this appropriation; from an object dear to every patriot, and deeply interesting, if judiciously applied, to a part of the rising generation. But to be just before we are generous, is a maxim that holds as good in political, as in moral or legal, ethics; and, in the present condition of the banks, it is a departure from the straight pathway of common honesty, which is always the best policy, to require them to perform acts of individual accommodation or public munificence.

The various laws now in force for the relief of bank debtors, are believed to have been salutary in their operation, and, while they continue to be properly applied and enforced, need no alteration.

It is not improbable that some of the views I have submitted may appear unreasonable, and that some of the measures I have recommended may seem

to be harsh and rigorous. They have been reluctantly extorted from me by the condition of the banks, and a deep sense of the high and solemn obligations of official duty. And, permit me to add, in conclusion on this subject, that if the Legislature, in their wisdom, should be able to devise any other plan, more likely to effectuate the objects which I feel satisfied we have alike in view, it will receive my cordial sanction and approbation. Impelled by a constant desire to preserve the faith and credit of the State unimpaired; I have more than once recommended the propriety of providing a permanent and efficient sinking fund, for the redemption of our State bonds, and the extinguishment of our public debt; and I avail myself of the present occasion to express the hope, that the Legislature will keep this object steadily in view.

It is impossible to recur to our banking system, without being admonished, that it is based on borrowed capital, and that the faith and credit of the State are solemnly pledged for the payment of that capital. And Alabama owes it to herself; to her past history, every period of which is signalized by devotion to sound principles; she owes it to her future fame, and to the great and good men to whom she is indebted for the rich inheritance of a written constitution, to pursue such a course as will enable her at all times to redeem the obligations of her plighted faith with scrupulous fidelity.

There is another subject which inclination and duty alike, render it proper to bring to your notice. It will be recollected that, on the 1st day of January, 1841, the General Assembly passed a law establishing the general ticket system, in the election of members to Congress from the State of Alabama. At the time this law passed, the period for which the members of the House of Representatives had been chosen, under the district system had expired. In consequence of the Proclamation of the President of the United States, requiring Congress to convene on the 31st of May, it became necessary, either to convene the Legislature, or leave the people of Alabama unrepresented in the popular branch of the National Legislature. Under ordinary circumstances, appreciating the inestimable right of representation, I should have considered it proper; but in view of the difficulties then impending over the country, and which I regret to say have not been much diminished, all the promises of amendment, reformation, and relief to the contrary notwithstanding, I considered it my imperative duty to convene the Legislature, in order to provide for the emergency which had occurred. Considering the pains taken at the time to mislead the public judgment, as to the necessity which existed for convening the Legislature, it is proper to remark that no other alternative was left, but to convene the Legislature, or leave the State unrepresented in the House of Representatives, in the most unexampled crisis of our public affairs: The term for which members of the House of Representatives from this State had been elected, as before remarked, had expired—and, according to repeated decisions, as well as the most obvious suggestions of reason and common sense, the expiration of an official term does not create a vacancy, within the meaning of the constitution, to be filled by the Executive, but is a lapse of the office, which requires an act on the part of the legislative, or creative power in order to supply it, and continue its existence. It is to be hoped that those who declaimed at the time against the necessity for convening the Legislature, and insisted that a proper exercise of the Executive authority, would be sufficient to meet the emergency, and cause the State to be represented, were at least honest in their

opinions, and not influenced by a desire wilfully to mislead the public judgment.

On the 27th day of April, 1841, the Legislature passed an act for the election of members of the House of Representatives, under the new system, and to that law annexed a provision, submitting it to the people, to determine, at the general election in August, whether they were in favor of the district or general ticket system. The result of the popular vote upon this question, shows a small majority in favor of the district system.

It is not my purpose to inquire into the propriety of submitting this question to the people, before they could possibly have time to reflect upon the relative importance of the two systems, so as to determine correctly between them. On the contrary, it is distinctly admitted, that the will of the people, constitutionally expressed, constitutes the great rule of action for the government of the Legislature. Neither shall I attempt to derive any support to the general ticket law, from the fact that the entire popular vote was not given, upon this subject, by six or eight thousand votes. If the Legislature should be of opinion that this question was submitted on sufficient notice; and there is reason to believe that the true state of public opinion was expressed in the vote already referred to, it is imperative in its obligation on them to repeal the law—provided, such repeal does not, in their judgment, violate the constitution; and, even in that case, it would be the duty of such as could not vote for the repeal, without violating the constitution, to resign and give place to others; for I hold the true theory of representative government to be, that, whenever, upon full and ample understanding of any subject, the will of the constituent body is fairly ascertained and expressed, it is the duty of the representative to yield obedience to that will, or to resign its functions; otherwise the government would cease to be representative in its character. In the present instance, I do not believe there has been an authoritative expression of the popular will, and am, therefore, of opinion that the law ought to be repealed—especially, as no election for members of Congress can take place until after the next meeting of the Legislature. From the position I occupy in relation to this question, being the only chief Magistrate of Alabama that ever recommended it, and particularly from the motives then attributed to me, but to which time has sufficiently applied the corrective; I should be wanting in self-respect were I not to assert the opinion, sincerely entertained, that the general ticket system furnishes the only constitutional mode of electing members to the House of Representatives. In adopting this conclusion, I am not ignorant that the district system has received the sanction of a majority of the States of the Union, and, among them, many of those most distinguished for the wisdom of their public councils, and for the patriotism, intelligence and virtue of their public men—and if this question depended upon precedent, or the practice of other States, I should cheerfully relinquish my own views, no matter how deeply convinced of their correctness, and adopt those which prevail in a majority of the States. But this question does not depend upon precedent—it depends upon the proper construction of the constitution, and the true theory of representative government. If, then, it can be shown that this system is the one provided for in the constitution, and that it carries out in practice, and is the only one which can carry out in practice, the true theory of popular representative government, it becomes our duty to determine; that error, though

seen through the lapse of ages, sanctioned by time, and approved by the highest intelligence, is error still; and to preserve those sound rules of interpretation, and above all those cardinal principles, which lie at the foundation of the government.

The constitutional provision which governs and controls this question is in the following words: "Members of the House of Representatives shall be chosen every second year by the people of the several States; and the electors in each State shall possess the qualifications requisite for electors of the most numerous branch of the State Legislature." [Art. 1, Sec. 2, Constitution of the U. S.] This provision contains a clear and positive reservation of power, to the people of the several States, to choose members of the House of Representatives; and the only limitation or restriction upon this power is, that the electors shall possess the qualifications requisite for electors of the most numerous branch of the State Legislature. In order to understand correctly the nature and extent of this power, it will be necessary to recur for a moment to the history of the country, prior to the adoption of the constitution, and to inquire into the reasons which led to the adoption of that instrument, and the great rights intended to be secured by it. The grand moving cause which led to the revolution that separated this country from Great Britain, was the denial of the right of representation—a right which is asserted, in the most memorable declaration to be found in the recorded history of nations, to be "inestimable to freemen, and formidable to tyrants only." Who made this declaration? Who made this remarkable declaration? The people of the several States. Who were the actors in those desperate scenes of danger and glory that succeeded this declaration, and marked the progress of the revolution to that glorious consummation which presents the proudest achievement of human exertion? The people of the several States. Who, when the battles of the revolution were over, assembled, through their representatives, in solemn convention, for the purpose of casting the mould of a new government, and of testing the great and then untried experiment of man's capacity for self government? The people of the several States. And who, it may be asked, when the strifes and conflicts of the revolution were over, were entitled to have that great right, for which they had toiled and suffered through all the horrors of a seven year's war, secured to them in the amplest form? The answer is still the same; the people of the several States. That people who had borne the flag of an oppressed and bleeding country triumphantly through the bloody scenes of a thrice glorious revolution, and presented it untarnished to be planted on the ramparts of a written constitution. Hence we see, that in allotting rewards to those who best deserved them, and in placing power where it could best be wielded, the framers of the constitution declared, in the very first article of that instrument, that the members of the House of Representatives, that great citadel of freedom and of popular rights, should be "chosen every second year, by the people of the several States." What is meant by the people of a State? When historians or statesmen speak of the people of an empire, a nation or state, the common sense, and the universal usage and understanding of mankind, is, that they speak of the people of such empire, nation or state, in their aggregate, undivided character as a people. When the framers of the constitution spoke of the people of the several States, they meant those separate, independent political communi-

nes, which existed anterior to the adoption of the constitution, to whom we are indebted for all that is beautiful in the theory, or valuable in the practice, of the government under which we live. If, then, the reservation of power in the constitution, to choose representatives, be to the people of the several States, and if by the people of the several states, is meant the whole people, the right to choose the whole number of representatives to which the State is entitled, according to population and the ratio fixed by law, is given to the whole people. The error which seems to have prevailed on this subject, consists in supposing that the constitution of the United States confided to the State Legislatures discretionary power in relation to the choosing of members of Congress, and that in the election of members of the House of Representatives, it was competent for the Legislature to prescribe the qualifications of the electors and limit their right to choose. But this idea has not the semblance of a foundation in the constitution. The right to choose, the qualifications of the elected and the electors, and the time of service of the members, are all fixed by the constitution; and neither the Legislature nor Congress have the power to alter them. The only provision of the constitution, that gives the State Legislatures any power over this subject, is the following: "The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State, by the Legislature thereof; but the Congress may at any time alter such regulations, except as to the place of choosing Senators." [4 Sec. 5 Art. Con. U. S.]

What power does this section confer on the State Legislatures? The power to prescribe the times, places and manner of holding the elections, and nothing more. The reservation of power to the people is to choose representatives. The reservation of power to the State Legislature is to prescribe the times, places and manner of holding the elections—and it certainly cannot require an argument to point out the difference between them.

Neither is there conceived to be any soundness in the doctrine which prevails to a great extent, that both the two modes of electing members to Congress are constitutional. Either may be constitutional, but both cannot be; because their effect upon the elective franchise is entirely different. Under the general ticket system, a qualified voter in the State of New York would be entitled to vote for forty members of Congress, because he was one of an aggregate community whose numbers entitle them to that number of representatives. Whereas, a qualified voter in Pennsylvania, under the district system, would only be entitled to vote for one, although he possessed precisely the same qualifications that the voter in New York did, and derived his right to vote from the very same clause in the constitution. It never could have been the intention of the framers of the constitution, to authorise the practice of a system, which would operate with such gross inequality. They doubtless intended that the rule to be established should be uniform, and that a freeman, possessing the same qualifications in one State of the Union, should enjoy the same privileges that another freeman residing in a different State, should enjoy. If the object was to restrict the right of suffrage in the election of representatives to the narrowest possible limits, then the district system is the proper one. Under it no man has a right to vote for more more than one representative. If, on the other hand, the object was to enlarge the horizon of freedom and of popular privileges to its fullest

extent, then the general ticket system is the proper one. Under it each qualified voter in the State is entitled to vote for the whole number of representatives to which the State is entitled; which is the fullest measure of liberty he can enjoy. It is for the legislature to determine whether they will confine the people of the States within the narrowest possible limits, by confining them to districts and restricting their right to a single member; or whether they will secure to them the highest degree of liberty they are capable of exercising under the constitution, and allow them to vote for the whole number.

There is another point of view in which this subject may be placed, which renders it one of vast, not to say vital, importance to the rights and to the States. Whatever may be the power of the State Legislatures over the election of members of the house of representatives, that power is liable, at any moment, to be exercised by Congress. Congress may, according to the constitution, at any time alter whatever regulations the State Legislatures may make on this subject. Suppose then, the district system to be correct, and that Congress should exercise the power, which they may, at any time. What, I ask, would become of the security, of the rights of the people, and the sovereignty of the States, when the general government has the power to lay off districts in such a manner as to ensure a compliance with the views of that government, in all instances whatever. The only country under the sun in which this system of electing representatives by geographical limits has prevailed to the full extent, was revolutionary France. There the whole nation was divided into districts, (departments,) and it was equally easy to elect a priest or assassin from either, whichever was most likely to answer the purposes of a furious and unbridled despotism. But, let the general ticket system be established, and all that Congress can do is simply to declare the time, place and manner of holding the elections. It will not be expected that in a communication like this, I should notice all the arguments that have been employed in opposition to this measure; and much less that I should attempt to answer them. I shall notice only those that have been urged with most zeal.

Among the objections to this measure entitled to the most weight is the one, that it will give undue weight and influence in the house of representatives, to the large and popular States. If this measure involved no higher principle than a mere scramble for power, this view of it might be encouraged and possibly sustained. But popular liberty is not a commodity to be measured out with a stinted hand, or defined by geographical limits—it inheres and belongs to men. According to the true theory of our government, and of all popular governments, the same number of freemen possessing the necessary qualifications to vote in one section of the Union, possess, and ought to exercise, the same power that the same number of freemen possessing like qualifications, possess, and ought to exercise, in another section of the Union. The safest and most virtuous rule, in public as well as private affairs, is boldly and firmly to assert and maintain our own rights, and cheerfully accord to others the enjoyment of theirs. And it was never intended that the representation in the house of representatives should be equal, any further than numbers, according to the population of the different States, should render it so. Neither could it have been the intention of the framers of the constitution to weaken the influence of the people of the States, in the

popular branch of the legislature, by adopting a rule which would lead, necessarily, to diversity of views and opinions, and all the mischiefs incident to divided councils. Union and harmony were the feeling and the sentiment which predominated, over all others, at the time the constitution was formed. The constitution itself furnishes the most indubitable proof that numbers form the basis of representation, in the house of representatives. Hence it requires that the census shall be taken at stated periods, to ascertain the number of inhabitants in the different States, and that the ratio of representation shall, at the first session of Congress after every such enumeration, be fixed accordingly. Equality of representation and the power of counteracting the weight and influence of the large States, when they run into error or operate oppressively, is secured in the Senate, where each State, being sovereign and, of course, equal in rights and power, is represented by the same number of Senators. Nothing more is necessary to elucidate the view I entertain upon this part of the subject, than to keep constantly in mind that the reservation of power to the States, is to elect Senators; that to the people, is to choose representatives. And while it is freely admitted, that under the general ticket law the people of no State can ever have a larger number of representatives than their numerical strength entitles them to, it may with full confidence be asserted that it secures to them the full number to which they are entitled, and that no other system can do it.

The next objection is that a majority of the States, from the origin of the government, have adopted the district system—or, that the weight of precedent is against the measure under consideration. To this it may be answered, with entire respect, that the effect of this doctrine is to fasten the errors of one generation irrevocably upon all succeeding generations, and, indeed, to render error immortal. This I admit is the doctrine maintained in all governments of prescription, where the light of experience and successive improvement are studiously shut out, and where it is considered sacrilege for men to attempt any improvement upon the systems or opinions of those who have gone before them. Fortunately for the improvement of the age, and for the benefit of mankind, this is not yet the received doctrine in this country.

The gravest objection, and one which addresses itself peculiarly to popular prejudice—for it can have no solid foundation in the understanding of any one who has bestowed the slightest attention to the subject is, that it disfranchises a portion of the people. If this objection is well founded, it would be sufficient of itself to condemn the system. But nothing can be more untrue or disingenuous; and the employment of such an argument bespeaks either an ignorance of the meaning of the most ordinary terms in the language, as well as the true theory of representative democratic government, or a desire to mislead the public judgment. To disfranchise, means to deprive of the privileges of a free citizen. In reference to the subject under consideration, it means, if, indeed, it mean any thing, to deprive of the right to vote. But who, it may be asked, that had a right to vote under the former system, has been deprived of that right by the law in force? Under the district system, each qualified voter in the State had a right to vote for one member of Congress, and no more. Under the general ticket law, each qualified voter in the State has a right to vote for five. Unless, therefore, increasing the right of each voter in the State five fold, in the election of members of Congress, has the effect to disfranchise a portion of the people, no disfranchisement has

been effected by the general ticket law. If being disfranchised means voting in a minority, why then the twelve hundred thousand freemen who voted in a minority in a recent National election, the manner of conducting as well as the result of which will be remembered at least as long as the forms of the constitution last, were disfranchised. But not so—they took their chances at the ballot box—they cast their votes in that memorable contest—but the majority of numbers was against them—and yielding to that great distinctive feature of representative republican government, that the will of a majority, expressed according to the forms of the constitution, shall govern, they quietly submitted to defeat—but not to disfranchisement. No doubt many of them expect to vote in a similar election again, and, judging from the signs of the times, with sanguine hopes of better success. If this modern doctrine of disfranchisement is correct, there is a portion of the people disfranchised in every popular election, where there is a contest, from the election of a constable up to the election of Chief Magistrate of the United States. This subject renders reference to another principle not improper; and that is, the rights of minorities. All men possessing the qualifications established by the constitution are eligible to office, and have a right to vote, no matter what may be their political opinions. But minorities have no power to elect, and no right to have their political opinions represented. These belong to the majority, and must continue to belong to them, until the main principle of the government is changed, and the will of the few substituted for the will of the many. The truth of this position is fully illustrated in the case of the twelve hundred thousand who voted for Mr Van Buren in the late Presidential election. Their votes were as powerless, so far as the result of that election was concerned, as if they had been cast into the sea; because they were given by a minority. Take another illustration: The county of Tuscaloosa is, in all respects, one of the most respectable counties in Alabama—the people of that county, like all others, are divided into parties entertaining different political opinions; one of these parties preponderates by a majority of several hundred votes, and the consequence is, and properly, according to the genius of our government, that the dominant party elects all the delegates from that county, in both branches of the Legislature.

I have calmly endeavored to view the questions involved in the general ticket law, through the light of reason, uninfluenced by any other desire than to arrive at a proper conclusion. The true construction of the constitution and a desire to secure the rights of the people of Alabama to their fullest extent, furnish the only lights by which I have been guided, and constitute the only motive by which I have been governed in arriving at the conclusion to which I have come. I had experienced no personal disappointment under the district system; and, notwithstanding the motives attributed to me, it is impossible I can have views or expectations to gratify under the present system. My deliberate judgment tells me the present is the true one, for the following reasons:

1. The constitution authorizes the people of the States to choose representatives; and this is, in my opinion, the only way in which the right secured by the constitution, can be fully enjoyed.
2. It secures in practice, in the election of members of Congress, the benefit of that great principle, that the will of a majority, expressed according to the forms of the constitution, shall govern.

3. It secures the rights of the States from the possibility of encroachment by Congress.

4. It enlarges the elective franchise, just in proportion to the number of members of Congress to be elected.

It is possible, after all, that the views I have taken, and the reasoning I have employed, upon this subject, may be erroneous. My deliberate and well settled opinion is, that they are correct. And even if they should prove to be erroneous, I shall at least enjoy the consolation of having erred in favor of extending the great principle of representative government, which lies at the bottom of our institutions, by enlarging the right of suffrage; to secure which, in its plenitude and purity, to the people of the several States of this Union, the aspirations of the purest patriots were elevated, and the best blood of the revolution was spilt. But upon this subject, and particularly at this time, I have an especial desire not to be misunderstood. Ours is a government of opinion, and not arbitrary will; and reason and free inquiry are the only agents that can properly be employed in the administration of it. I am, therefore, of opinion that this subject should be referred back to the people, and if, upon full consideration of all the reasons connected with it, they determine that this law ought to be repealed, let it be done. As already remarked, no possible injury or public inconvenience can result from delay; on the contrary, it will afford time for more ample reflection on the relative importance and propriety of the two systems, as no election can be held under either until August, 1843.

The intimate relations subsisting between the State and general governments, and our liability to be affected, either for good or for evil, by the action of the latter, renders it proper that I should notice some of the measures introduced during the late extraordinary session of Congress, most of which have, unfortunately as I conceive, become laws of the land. I am well aware that there are some who look upon every allusion by the State authorities to the action of the general government, as a species of impertinent and officious interference. My habit of thinking upon this subject has led me to a different conclusion. The general government was formed by the States; it can only be altered by the States; it is responsible to the States for its action; it was constituted a trustee by the States, for the benefit of the people, in relation to such matters, and none others, as were specifically confided to it.

The ingenuity of the friends of a national bank, in Congress, was taxed to the last extremity in order to enable them to seem to evade, while they violated, the constitution, and to incorporate some institution of this kind. Fortunately for the country, all these attempts were unsuccessful—not so much, it would appear, however, from a disposition to preserve the constitution, as from inability on the part of the friends of a bank, (or fiscal agent, as it is now called,) to agree among themselves, as to the particular manner in which that instrument should be violated. And it is astonishing that the President of the United States should have vetoed two bank bills for constitutional reasons, without even alluding to the main reason why such an institution is unconstitutional—namely, that Congress has no power to incorporate a national institution of any sort. This question, like the sword of Damocles is still suspended over our heads; and whether this state of suspense is to terminate in the ultimate triumph of the constitution, or in the prostitution of that instrument to the influence of a sordid money power, is a question which belongs

to the future. Unless, however, the indications of the times are grossly deceptive, the people are about to look to this subject, and to relieve the country forever from the thralldom and the corruptions of a national bank. It is hoped that the Legislature will continue to protest against the establishment of any institution of this kind, by whatever name it may be called; and, in the event of its passing Congress in any shape, against the establishment of a branch in this State.

The act to appropriate the proceeds of the public lands and to grant pre-emption rights, (as it is styled,) is, in my judgment, the most extraordinary, as well as the most pernicious act of American legislation; and contains more of that subtle poison which is finally to neutralize the power and destroy the independence of these States, unless prevented by their constant vigilance, than any act passed by Congress since the foundation of the government. This measure may, with truth, be said to violate every correct principle that could be embraced within its provisions. It violates the constitution, by abolishing a permanent source of revenue belonging to the United States; thereby creating a necessity for increasing the duties on imports, which must operate unequally, and the weight of which must fall most heavily on the southern States. It is no answer to this objection, to say that the act is not to operate if it violates the compromise of 1833—the compromise act is itself a violation of the spirit of the constitution. It violates the articles of cession from the ceding States to the United States, by distributing that which was intended to be held as a common fund, for the benefit of all the States jointly, among the individual States. It is an act of wasteful improvidence to give away three or four millions annually, when the national treasury is penniless, and places Congress under the necessity of borrowing money, and taxing the necessities of life, in order to support the government. It involves the right of Congress to lay and collect taxes for the purpose of distributing among the States, in order to make them the pliant subjects of national ambition and national power—for there is no difference between giving to the States the existing revenue, thereby creating a necessity for additional taxes, and laying taxes in the first instance, for the purpose of distribution. It amounts to the same thing. Congress has no power to make donations when the treasury is bankrupt; and it is utterly unworthy the character of the States, under such circumstances, to accept them. This act is one of that series of measures intended to pave the way for the permanent introduction of the miscalled American system, the effect of which will be to fasten perpetual burdens on the people of the South, in order to protect and foster the productions of labor in other sections of the Union. If this law remains in force, it destroys all hope of reduction in the price of the public lands; a matter more interesting to the great mass of the people than any other, as it would enable every class, even the poorest, to provide homes for their wives and children at a very moderate expense. It is not to be expected that the price will be reduced while a majority of the States are interested in keeping it up, in order to increase the distributive portion to which each State is entitled. The true and wisest policy of this government, is to contribute, as far as possible, consistently with the constitution, to the happiness and comfort of the people; and not by exhausting existing sources of revenue, to increase the necessity for additional impositions, and diminishing their ability to become

interested in the soil, by acquiring a home, which, after all, is the strongest tie which binds a man to his country.

The foregoing are some of the objections which apply, with great force, to the law for the distribution of the proceeds of the public lands. The 17th section of this act presents a subject for the consideration, and possibly for the action, of the Legislature. It provides "that the two per cent. of the nett proceeds of the lands sold by the United States, in the State of Alabama, since the first day of September, one thousand eight hundred and nineteen, and reserved, by the act entitled "an act to enable the people of the Alabama Territory to form a constitution and State Government, and for the admission of such State into the Union, on the same footing with the original States, for the making of a road or roads leading to the said State, be, and the same is hereby, relinquished to the said State of Alabama, payable in two equal instalments, the first to be paid on the first of May, one thousand eight hundred and forty-two, and the other on the first day of May, one thousand eight hundred and forty-three, and quarterly as the same may hereafter accrue. Provided, That the Legislature of said State shall first pass an act declaring their acceptance of said relinquishment, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said two per cent. fund shall be faithfully applied, under the direction of the Legislature of Alabama, to the connection, by some means of internal improvement, of the navigable waters of the bay of Mobile with the Tennessee river, and to the construction of a continuous line of internal improvements from a point on the Chattahoochee river, opposite West Point, in Georgia, across the State of Alabama, in a direction to Jackson, in Mississippi."

This section of the act relinquishes to Alabama the two per cent. fund arising from the sale of the public lands in this State, and which was reserved according to the terms of the act for our admission into the Union, for the purpose of making a road or roads to the State. It is not perceived that this provision in the act of Congress, would commit us to any extent to the distribution principle. If that is to be the effect of accepting, it, I, for one should be for rejecting it without regard to consequences.

It is certain that the two per cent. arising from the sale of the public lands in this State, can never become the property, or form a part of the revenue of the United States without our consent; and, perhaps the most correct view of this part of the subject is, that we are equitably entitled to the benefit of it.

If the Legislature should acquiesce in the correctness of this view, the only remaining question will be, whether they will now or at a more favorable period, bind the State to furnish the additional amount necessary to complete the two works of internal improvement, contemplated in the act of Congress. The entire cost of these works may be estimated at five millions—the amount of the two per cent. at three hundred thousand dollars—hence the sum to be furnished by the State would be four millions seven hundred thousand dollars. A more intimate connection with the sister States of Georgia and Mississippi, by means of a permanent work of internal improvement is certainly a most desirable object, if we have the means to accomplish it. And the connexion of the navigable waters of Mobile bay with the Tennessee river, is in every light in which it can be viewed, a matter of vast importance. It would bring us into intimate connexion with one of the finest provision-raising countries in the world, by which we should annually save vast sums in the purchase of

productions directly from the producers, which we now have to purchase in the first instance, in New Orleans; and the difference of exchange on the articles thus purchased would, in a few years, be sufficient to construct the work. A work of this kind would also have the effect of connecting the two great sections of the State more intimately; and what is of still higher importance, it would, in that emergency, from which the most pacific and enlightened nations, cannot always be exempt, afford great facility in the transportation of troops, munitions of war, and provisions from that quarter, to which in time of need, we should be compelled to look for them. The whole subject is respectfully submitted to the Legislature without a doubt, that they will dispose of it with due regard to all the high and important considerations which it involves.

This is the last annual message I shall have the honor of submitting to the General Assembly. A few days will terminate my connexion with the office of Chief Magistrate of the State of Alabama, to which I may, with perfect sincerity say, I have been twice elected without solicitation on my part, by the people. In looking forward to the moment, now almost at hand, which is to dissolve my official connexion with the General Assembly, I should do injustice to my own feelings, if I were not to express the deep and abiding sense of obligation I am under to that body, for the uniform courtesy and indulgent liberality and kindness I have experienced at their hands, in my humble but honest efforts to administer the government of Alabama. And permit me, gentlemen, through you, to avail myself of this last public occasion, to render to the great body of my fellow-citizens, the deep and lasting sense of gratitude I feel, and shall never cease to cherish, towards them, for the multiplied proofs they have given me of their kindness and confidence; and to assure them, that I shall carry into the retirement that awaits me, the same devotion to their interest and happiness, by which I have endeavored to be governed in my public career; and that I shall never cease to supplicate Divine goodness, to continue to them the enjoyment of those rich and countless blessings which he has heretofore been pleased to bestow upon them.

A. P. BAGBY.

Which was read, and on motion of Mr Hudson, laid upon the table, and one thousand copies thereof ordered to be printed.

On motion of Mr Phillips, the Senate then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, Nov. 3, 1841.

The Senate met pursuant to adjournment.

Mr Hudson, asked leave of absence for the Senator from Fayette, Mr Wilson, until Friday morning; which was granted.

Mr Clarke, presented the petition of sundry citizens of the county of Benton, the reading of which was dispensed with, and on motion, referred to the committee on education.

McMcConnell, presented the account of John F. Henderson, the reading of which was, on Mr. McConnell, dispensed with, and referred to the committee on accounts and claims.

Mr Phillips introduced a bill, to be entitled an act concerning suits against executors and administrators, &c., which was read a first time, and ordered to a second reading, on to-morrow.

Mr Toulmin introduced a bill, to be entitled an act, to amend the charter

of the bank of the State of Alabama and the several branch banks, in the mode of collecting their debts, and for other purposes; which was read a first time, and the constitutional rule, requiring bills to be read on three several days, being dispensed with, it was read a second time; and on motion of Mr Hudson, referred to the committee on the State bank.

On motion of Mr Hudson: **RESOLVED**, that with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House on Thursday, the 4th instant, at the hour of 12 o'clock, M. for the purpose of counting the votes and declaring the election of Governor, in pursuance of the provisions of the constitution of this State.

Mr President, laid before the Senate, sundry documents from the branch of the bank of the State of Alabama at Mobile, shewing the liabilities of the Senators and members of the House of Representatives, for the session of 1841; also the indebtedness of the President and Directors of said bank; which, on motion of Mr Toulmin, was offered to the committee on the State bank.

Also, a tabular statement of the debts due the branch bank at Mobile; which, on motion, of Mr Hudson, was laid on the table.

Also, the Comptroller's report; which, on motion of Mr Hudson, was laid on the table, and 100 copies thereof, ordered to be printed.

Also, a document from the branch bank at Mobile, shewing the amount paid by said bank to valueless 16th sections; which, on motion of Mr Creagh, was laid upon the table.

On motion of Mr Clarke: **RESOLVED**, that the committee on the State bank be instructed to inquire into the expediency of changing the present mode of electing the President and directors of the State bank and its several branches, so as to conform, as near as practicable to the recommendation of the Executive, and that they report by bill or otherwise.

On motion of Mr Phillips: **RESOLVED**, that the committee on the State bank, inquire into expediency of regulating the affairs of the State bank and its several branches.

Mr Creagh introduced a bill, to be entitled an act, to allow compensation to certain persons, which was read a first time, and ordered to a second reading on to-morrow.

Mr Clarke presented the petition of sundry citizens of the county of Benton, the reading of which was dispensed with, and on motion, referred to the committee on education.

Mr Buford offered the following resolution: **RESOLVED**, that no resolution, bill, account, petition, or other document, be received, or referred without reading, unless the Senator introducing the same, will at the time of moving such reference, succinctly state the purport and object of the paper; which was referred to the special committee, appointed for the purpose of drafting rules for the government of the Senate.

Mr Phillips, introduced a bill, to be entitled an act, to exempt certain persons from road duty; which was read, and ordered to a second reading on to-morrow.

On motion of Mr Hudson, the vote taken this morning, on referring the bill "to be entitled an act to amend the charters of the bank of the State of Alabama, and the several branch banks, in the mode of collecting their debts, and for other purposes," was reconsidered.

On motion of Mr Hudson, the bill was then referred to the committee on the judiciary.

Mr Foster introduced a bill, to be entitled an act, to authorise William Hughes, tax collector of Cherokee county, to assess and collect the taxes of said county, for the year 1841, and to change the time for the election of said officer in future; which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr Hudson, the Senate then proceeded to the consideration of the orders of the day.

Engrossed bill, to be entitled an act, to compel the judges of the county court of the counties of Franklin and Monroe, to reside at or within three miles of the court-house, was read a third time and passed. Ordered to remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

On motion of Mr McConnell, the Senate then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, Nov. 4, 1841.

The Senate met pursuant to adjournment.

Mr Hunter, presented the petition of Thomas P. Sims, jailor of Lowndes county; which was read, and on motion of Mr Hunter, referred to the committee on accounts and claims.

Mr Hunter presented the petition of sundry citizens of Lowndes county, praying some compensation to the jailor of said county, for rendering certain services therein specified, which was read, and on motion of Mr Hunter referred to the committee on accounts and claims.

Mr McConnell presented the account of H. A. Defrese, of Taladega, the reading of which was dispensed with, and referred to the committee on accounts and claims.

Mr Jones presented the petition of Norborne E. Chandler; which was referred to the committee on propositions and grievances.

Mr Brindley introduced a bill, to be entitled an act, to appoint commissioners to superintend the sale of lots in the town of Warrenton, in the county of Marshall and for other purposes; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr Brindley: **RESOLVED**, that the committee on the State bank, inquire into the expediency of

1st Restricting the cash accounts of said bank and branches to pre-emptioners.

2d The purchase of bills, with cash, to those payable in commercial cities: to insure the punctual payment of which

3d To augment damages on such bills protested.

4th Of extending debts owing to said banks, to such time, and in such manner, by mortgages or otherwise, as will best secure their ultimate payment.

5th Of providing for the payment of the States' liabilities created for said banks.

Mr Dent, introduced a bill, to be entitled an act, to secure the more speedy collection of debts against incorporations; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and on motion of Mr Dent, referred to the committee on the judiciary.

Mr Reese offered the presentment of the grand jury of the county of Chambers, at the fall term, 1841; which was read, and on motion of Mr Reese, referred to the committee on the judiciary.

Mr Creagh offered joint resolutions in relation to the purchase of 16th sections; which was read a first time, and ordered to a second reading on to-morrow.

Mr Jones introduced a bill, to be entitled an act, to confirm the will of Thomas Murphy, deceased, which was read a first time, and ordered to a second reading on to-morrow.

Mr Hudson offered the following preamble and resolution, to wit:

Whereas, from the lowness of the reading desk, the Secretary labors under considerable inconveniences in reading the minutes; therefore

RESOLVED, That the door-keeper be instructed to provide a temporary platform to lay on the desk, in order to raise the same, which was adopted.

Mr Clarke introduced a bill to be entitled an act, to prevent frauds in elections; which was read a first time and ordered to a second reading on to-morrow.

Mr McAllister introduced a bill to change the name of, and to render legitimate, John Jarrett Reese, of the county of Henry; which was read a first time and ordered to a second reading on to-morrow.

Message from the House of Representatives, by Mr Tunstall.

Mr President:—

The House of Representatives concur in the resolution of the Senate, proposing to assemble in the Hall of the House of Representatives on Thursday the 4th inst., (this day) at the hour of 12 o'clock, M. for the purpose of counting the votes and declaring the election of Governor, in pursuance of the provisions of the Constitution.

They have passed a bill for the appointment of commissioners to complete the public buildings of Washington county, in which they ask the concurrence of the Senate.

A bill from the House of Representatives, to be entitled an act for the appointment of commissioners to complete the public buildings of Washington county, was read a first time. Mr Creagh moved to suspend the constitutional rule, which was lost; the question recurred on ordering the bill to a second reading on to-morrow, which was carried.

On motion of Mr. Jones, **RESOLVED**: that the committee on privileges and elections, be instructed to revise the election law of this State, and to report a substitute at the earliest period practicable.

Mr Terry presented the petition of sundry citizens of the county of Limestone, the reading of which was dispensed with, and on motion of Mr Terry, referred to the committee on the Judiciary.

Mr Dailey offered the following resolution: **RESOLVED**, that the committee on the State Bank be instructed to enquire into the propriety of selling 3-5ths of the capital stock of the State Bank and its several branches, to individual stockholders, and to report by bill or otherwise, which was lost.

On motion of Mr Foster, **RESOLVED**: that the committee on the judiciary, be instructed to enquire into the constitutionality and expediency of providing by law for removal from office, Justices of the Peace of this State for malpractice in office, and that they further inquire into the expediency of interposing jury trials in justices courts, and that they report by bill or otherwise.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act concerning suits against executors and administrators, &c., was read a second time, and on motion of Mr. Phillips, referred to the judiciary committee.

A bill to be entitled an act allowing compensation to certain persons, was read a second time, and on motion of Mr Creagh, referred to the committee on Indian expenditures.

A bill to be entitled an act to exempt certain persons from road duty, was read a second time..

Mr Reese moved to amend the bill by adding the following words, to wit: (to come in after the word deafness in said bill,) "or who is blind, dumb, lame or maimed," which together with the bill, was, on motion of Mr. Phillips, referred to the committee on roads, bridges and ferries.

A bill to be entitled an act to authorize William Hughes, tax collector of Cherokee county, to assess and collect the taxes of said county for the year 1841, and to change the time of the election of said officer in future, was read a second time.

Mr. Jones moved to lay the bill on the table, which was lost; the question then recurred upon ordering it to be engrossed for a third reading on to-morrow, which was carried.

The orders of the day having been disposed of, Mr Jones offered a joint resolution for the relief of Thomas Killough, tax collector of Sumpter county, which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr Jones, the vote taken this morning on the adoption of the resolution instructing the committee on privileges and elections to revise the election laws of this State, and to report a substitute at the earliest period practicable, was reconsidered.

Mr Jones moved to amend the resolution by striking out the words, "privileges and elections," and inserting in lieu thereof, "judiciary," which was carried: the resolution as amended was then adopted.

On motion of Mr Hudson: **RESOLVED**, that a committee of three be appointed on the part of the Senate to act with such committee as may be appointed on the part of the House of Representatives, to examine the Comptroller's and Treasurer's offices, and whether said officers have discharged their several duties according to law; whereupon Messrs Hudson, Ross and Baylor were appointed said committee.

On motion of Mr Andress: **RESOLVED**, that the judiciary committee be instructed to inquire into the propriety of revising the patrol laws of this State.

On motion of Mr Baylor the vote this morning refusing to suspend the constitutional rule, for the purpose of giving the bill, "to be entitled an act for the appointment of commissioners to complete the public buildings of Washington county," a second reading forthwith, was reconsidered; the constitutional rule was then suspended, and the bill read a second time and ordered to a third reading on to-morrow.

On motion of Mr McConnell: **RESOLVED**, that a committee be appointed by the president of the Senate to act with such committee as may be appointed by the House of Representatives, whose duty it shall be to examine into the operations of the Bank of the State of Alabama and the several

Branches thereof, to ascertain if any frauds have been practised on said bank, by whom, and by what means they were committed, and recommend a suitable remedy for preventing and punishing such frauds for the future, should any be found to exist, with power to send for persons and papers; whereupon Messrs McConnell, Dent and Clarke were appointed said committee.

Message from the House of Representatives informing the Senate of their readiness to receive them within the Hall of the House, for the purpose of counting and declaring the votes for Governor of the State of Alabama; whereupon the Senate repaired to the Hall of the House of Representatives, were seated, when Mr President announced the object of the meeting of the two Houses.

The two Houses then proceeded to count, when it appeared that Benjamin Fitzpatrick had received twenty seven thousand nine hundred and seventy-four votes. James McClung, twenty-one thousand two hundred and nineteen votes.

Mr Fitzpatrick having received a majority of the whole number of votes given, was declared by Mr Speaker duly and constitutionally elected Governor of the State of Alabama, for the ensuing term of two years.

The Senate then withdrew to their chamber, and Mr President resumed the chair.

On motion of Mr Hudson the Senate then adjourned until to-morrow morning 10 o'clock.

FRIDAY, NOV. 5, 1841.

The Senate met pursuant to adjournment.

Mr Samuel C. Oliver, Senator from Montgomery, appeared in the Senate chamber and took his seat.

Mr Hunter presented the petition of sundry citizens of Lowndes county, the reading of which was dispensed with, and on motion of Mr Hunter, referred to the committee on propositions and grievances.

Mr Jones introduced a bill to be entitled an act for the relief of Nancy S. B which was read a first time, and ordered to a second reading on to-morrow.

Mr Dent introduced a bill to be entitled an act to authorize the Comptroller of public accounts to draw his warrant on the treasury in favor of Sion L. Perry for the balance of the salary due H. G. Perry, deceased, judge of the second judicial circuit; which was read a first time, and the constitutional rule, requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and on motion of Mr Dent, it was referred to a select committee; whereupon Messrs Dent Foster, and Jones were appointed said committee.

Mr Toulmin introduced a bill to be entitled an act to amend the laws in regard to limitations of actions, which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr Wilson of Jackson: **RESOLVED**, that the committee on the State Bank be instructed to inquire into the expediency of passing a law, authorizing the president and directors of the several banks in this State to make the best possible arrangement in settling the old suspended debt, with leave to report by bill or otherwise.

Mr Hall presented the account of Wm. Hass, the reading of which was

dispensed with, and on motion, referred to the committee on accounts and claims.

On motion of Mr Jones: **RESOLVED**, that the committee on the judiciary be instructed to revise the tax law of this State, and to report a substitute.

On motion of Mr Hudson, the Senate then proceeded to the consideration of the orders of the day.

A bill from the House of Representatives to be entitled an act for the appointment of commissioners to complete the public buildings of Washington county, was read a third time and passed.

Ordered that the title remain as aforesaid.

Ordered that the House of Representatives be acquainted therewith.

Joint resolutions of the General Assembly concerning purchasers of 16th sections, was a second time read, when Mr Hudson offered the following amendment, to wit:

RESOLVED, that the cashier of the branch of the bank of the State of Alabama at Decatur, be authorized to extend the provisions of this resolution to Joseph Wofford, purchaser of the north west quarter of section 16, township seven, and range twelve west, in the county of Franklin, in the Huntsville land district.

Provided, said Wofford will pay all costs which may have accrued in attempting to collect said purchase money, which was adopted; the resolution then, together with the amendment, was on motion of Mr King, referred to the committee on education.

A bill to be entitled an act to confirm the will of Thomas Murphy dec'd., was read a second time.

Mr Buford offered to amend the bill by adding the following provision, to wit:

Provided, that said will is hereby confirmed, only so far as relates to realty; and as to personalty, the same shall stand as though this law had not passed.

On motion of Mr Hudson, the bill, together with the amendment, was referred to the committee on the judiciary.

The following message was received from his Excellency the Governor, by his private Secretary, J. D. Bagby:

EXECUTIVE DEPARTMENT,

TUSCALOOSA, NOV. 4, 1841. }

Sir: I have the honor to inform the Senate that Cordy N. Skinner has been appointed judge of the county court of Franklin county, in the place of the Hon. John A. Nooe, resigned; and that Elias Frierson has been appointed quarter master general of the State of Alabama, in the place of Col. Charles Lewen, deceased.

A. P. BAGBY.

NON. NATH. TERRY, President of the Senate.

A bill to be entitled an act to prevent fraud in elections, was read a second time, and on motion of Mr Hudson, referred to the committee on the judiciary.

A bill to change the name of and to render legitimate John Jarrett Reese, of the county of Henry, was read a second time, and on motion of Mr Baylor, laid upon the table.

Engrossed bills of the following titles, to wit:

An act to appoint commissioners to superintend the sale of lots in the town of Warrenton, in the county of Marshall, and for other purposes:

An act to authorise William Hughes, tax collector of Cherokee county, to assess and collect the taxes of said county, for the year 1841, and to change the time for the election of said officer, in future; were severally read a third time and passed. ORDERED, that the titles remain as aforesaid. ORDERED, that they be sent to the House of Representatives for their concurrence.

A joint resolution of the General Assembly of the State of Alabama, for the relief of Tho's Kellough, tax collector of Sumter county, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The orders of the day having been disposed of, the President laid before the Senate a communication from the President of the branch of the bank of the State of Alabama at Montgomery; the reading of which was dispensed with, and on motion of Mr Creagh, ordered to lie upon the table.

Mr Hunter presented the accounts of Thomas P. Simms, jailor of Lowndes county, the reading of which was dispensed with, and on motion of Mr Hunter, referred to the committee on accounts and claims.

Mr McAllister presented the account of Weeks Pippen, the reading of which was dispensed with; on motion referred to the committee on accounts and claims.

Mr Toulmin introduced a bill to be entitled an act to regulate judicial proceedings in the county court of Mobile county, which was read a first time and ordered to a second reading on to-morrow.

On motion of Mr Reese, the annual communication of his Excellency the Governor, was taken from the table, and the further consideration of which, was, on motion of Mr Hudson, postponed until to-morrow at 11 o'clock, and made the special order for that hour.

The Senate then, on motion of Mr Baylor, adjourned until to-morrow morning, 10 o'clock.

SATURDAY, NOV. 6, 1841.

The Senate met pursuant to adjournment.

Mr Thornton, from the judiciary committee, to whom was referred a bill to be entitled an act concerning suits against executors, administrators, &c. reported the same back to the Senate with the following amendment, to wit: "After the word county, in the last line but two in said bill, insert these words: "and that service of process in all such suits made in any county in the State, shall be as effectual as if made in the county in which the letters were taken out," which was adopted by the Senate. The bill was placed among the orders of the day.

Mr Thornton, from the same committee to which was referred a bill to be entitled an act to amend the charters of the bank of the State of Alabama, and the several branches, in the mode of collecting their debts, and for other purposes, reported the same back to the Senate without amendment. The bill was then placed among the orders of the day.

Mr Thornton, from the same committee to which was referred a resolution instructing them to inquire into the propriety of revising the patrol law of this State, reported that it was inexpedient to legislate upon the subject, in which the Senate concurred.

On motion of Mr Hudson, *Resolved*, that with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House

of Wednesday next, the 10th inst. at the hour of 12 o'clock, m. for the purpose of electing a judge of the county court of the county of Franklin.

Mr Phillips introduced a bill to be entitled an act respecting depositions, &c. which was read a first time and ordered to a second reading.

Message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have read three several times and passed the bill which originated in the Senate, entitled an act to authorize William Hughes, tax collector of Cherokee county, to assess and collect the taxes of said county for the year 1841, and to change the time for the election of said officer in future.

They also concur in the resolution proposing to appoint a committee to examine the Comptroller's and Treasurer's offices, and have appointed on their part messrs McAlpin, Norman and Rodgers.

Mr Reese, from the select committee to whom was referred a resolution requiring a brief statement of the contents of all papers presented to the Senate and referred without reading, reported the same back to the Senate and recommended its adoption; in which the Senate concurred.

Mr Dent, from the special committee to whom was referred a bill authorizing Sion L. Perry to draw from the Treasury the remaining balance due to H. G. Perry, deceased, late judge of the second judicial circuit, reported the same back to the Senate, and recommended its passage.

Mr McAllister, from the committee on Indian expenditures, to whom was referred a bill to be entitled an act allowing compensation to certain persons, reported the same back to the Senate without recommending its passage; which on motion of Mr Creagh was ordered to lie on the table.

Mr Toulmin introduced a bill to be entitled an act to regulate the salaries of the solicitors of the first and tenth judicial circuits, which was read a first time and ordered to a second reading.

Mr Brindley introduced a bill to be entitled an act, to authorize the relinquishment of 16th sections in certain cases, which was read a first time and ordered to a second reading.

On motion of Mr Dailey, *Resolved*, that the committee on retrenchment be instructed to inquire into the propriety of reducing the wages of the Warden of the Penitentiary for the first year, and to report by bill or otherwise, at an early day.

Mr McAllister introduced a bill to be entitled an act to compensate the commissioners of roads and revenue in the county of Dale, and for other purposes, which was read a first time and ordered to a second reading.

Mr Andress introduced a bill to be entitled an act to alter the 1st and 10th judicial circuits, and for other purposes; which was read a first time and the constitutional rule being suspended, it was read a second time, and on motion of Mr Andress, referred to a select committee consisting of the delegations from the 1st and 10th judicial circuits.

Mr Buford presented the account of James M. Feagan, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Buford presented the account of Capt. H. G. Jenkins, the reading of which was dispensed with, and on motion, referred to the committee on Indian expenditures.

Mr Turner, from the judiciary committee, to whom was referred the peti-

tion of sundry citizens of Limestone county, reported a bill to be entitled an act to prevent the shooting or killing of deer in Limestone county, during certain seasons of the year; which was read a first time and ordered to a second reading.

On motion of Mr Hudson, the Senate then took up the orders of the day.

A bill to be entitled an act for the relief of Nancy B. Alexander, was read a second time, and the Senate refused to order it to a second reading.

A bill to be entitled an act to amend the laws in regard to limitations of actions, was read a second time and ordered to be engrossed for a third reading.

Joint resolutions of the General Assembly of the State of Alabama, for the relief of Thomas Kellough, was read a third time and passed. Ordered that the title remain as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to regulate judicial proceedings in the county court of Mobile county, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to amend the charters of the bank of the State of Alabama and the several branch banks, in the mode of collecting their debts, was read a second time.

Mr Baylor moved to strike out the latter clause of the last section; which was lost. Yeas 9—Nays 20.

Those who voted in the affirmative are messrs Baylor, Brindley, Creagh, Hall, Jones, McAllister, McVay, Reese and Thornton.

Those who voted in the negative are, messrs President, Address, Buford, Clarke, Dailey, Dent, Foster, Hudson, Hunter, King, McClanahan, McConnell, Oliver, Phillips, Ross, Rodgers, Toulmin, Turner, Wilson of J. and Womack.

The question then recurred upon ordering the bill to be engrossed for a third reading; which was carried.

On motion of Mr King, leave of absence was granted the Senator from Shelby and Bibb, Mr Watrous, until Wednesday next.

The hour of eleven o'clock having arrived, the Senate resumed the consideration of the Governor's annual message, it being the special order for that hour; when on motion of Mr Hudson, the Senate resolved itself into a committee of the whole, upon that subject—Mr Hudson in the Chair—after some time spent therein, the committee rose and reported through their chairman, Mr Hudson, the following resolutions, to wit:

Resolved, that so much of the Governor's message as relates to taxation for the support of the State Government, be referred to the committee on the judiciary.

Resolved, that so much of the Governor's message as relates to the State bank and branches, be referred to the committee on the State bank.

Resolved, that so much of the Governor's message as relates to the appropriation in, and of valueless 16th sections, be referred to the committee on education.

Resolved, that so much of the Governor's message as refers to internal improvement, and the two per cent. fund, be referred to the committee on internal improvement and inland navigation.

RESOLVED, that so much of the Governor's message as relates to the purchase of a suitable building for a State Arsenal, be referred to the committee on military affairs.

RESOLVED, that so much of the Governor's message as relates to the rights of majorities, be referred to the committee on retrenchment.

RESOLVED, that so much of the Governor's message as relates to a sinking fund to be set apart for the payment of the State bonds, be referred to the committee on the [State] bank.

RESOLVED, that so much of the Governor's message as relates to the criminal code, be referred to the committee on the judiciary.

RESOLVED, that so much of the Governor's message as relates to the general ticket system, be referred to the committee on privileges and elections.

RESOLVED, that much of the Governor's message as relates to national subjects, be referred to the committee on federal relations.

RESOLVED, that so much of the Governor's message as relates to the digesting of the laws of the State, be referred to the committee on the judiciary.

RESOLVED, that so much of the Governor's message as relates to the State penitentiary, be referred to the committee on the penitentiary.

RESOLVED, that so much of the Governor's message as relates to the reports of the decisions of the supreme court, be referred to the judiciary committee.

RESOLVED, that so much of the Governor's message as relates to changing the number and mode of the election of the directors of the State bank and branches, be referred to the committee on the State bank. All of which were adopted by the Senate, the committee were discharged from the further consideration of the subject.

The Senate then resumed the consideration of the orders of the day.

A bill to be entitled an act concerning executors, administrators, &c. was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to authorize the Comptroller of public accounts to draw his warrant on the Treasury in favor of Sion L. Perry, for the balance of the salary due the late H. R. Perry, deceased, judge of the second judicial circuit, was read a second time.

Mr Buford offered the following amendment to come in at the end of the bill: "On said Sion producing letters of administration on the estate of said deceased;" which together with the bill, was on motion of Mr Baylor referred to the committee on the judiciary.

On motion of Mr Hudson, **RESOLVED**, that the chair appoint and add to the standing committees of the Senate, a committee to be styled the committee on federal relations: Whereupon messrs Hudson, Reese, Philliss, Hunter, Jones and Turner, were appointed said committee.

Mr Wilson of J. introduced a preamble and joint resolutions, in relation to the securities and endorsers of George Swink & Co. which were read a first time, and the constitutional rule being dispensed with, they were read a second time, and on motion of Mr Hudson, referred to the committee on the State bank.

Mr Buford presented the account of Benjamin Gardner, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Wilson of J. introduced a bill to be entitled an act to ascertain and fix permanently the lines between the counties of Jackson and DeKalb, which was read and ordered to a second reading.

On motion of Mr McConnell, the Senate then adjourned until Monday morning 10 o'clock.

MONDAY, NOV. 8, 1841.

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr Cook:

Mr President: The House of Representatives have elected a committee consisting of messrs Walker of Lawrence, Ware and Norman, to act with such committee as may be elected on the part of the Senate, to examine into the affairs and conditions of the bank of the State of Alabama and its several branches.

Mr Turner presented the petition of Logan D. Brandon, of Madison county, the reading of which was dispensed with, and referred to the committee on accounts and claims.

On motion of Mr Hudson, all other business before the Senate was dispensed with for the purpose of going into the election of a joint examining committee of the bank of the State of Alabama and its several branches.

The Senate then proceeded to the election of a joint examining committee, which resulted in the choice of messrs Hudson, Oliver and Reese.

Mr President laid before the Senate a communication from the legislature of the State of Maine, in relation to the North Western Boundary question; which, on motion of Mr Reese, was referred to the committee on federal relations.

On motion of Mr McConnell, **RESOLVED**, that the committee on the State bank inquire into the expediency of winding up or removing the branch of the bank of the State of Alabama at Mobile; the nett profits resulting from the operation of said institution; the probable loss by wear and tear; also, the propriety of diminishing the number of officers, with leave to report by bill or otherwise.

Mr Reese, offered joint resolutions requiring the Secretary of State, to furnish certain counties with copies of Aiken's Digest; which was read a first time, and the constitutional rule being dispensed with, they were read a second time, and on motion of Mr Hudson, referred to a select committee, consisting of messrs Reese, Hudson and Turner.

Mr Wilson, of Jackson, introduced a bill, to be entitled an act to change the mode of assessing and collecting the taxes for the county of Jackson; which was read a first time: Mr Hudson moved to suspend the constitutional rule, which was lost: the question then recurred on ordering it to a second reading, which was carried.

Mr King offered a joint resolution in relation to the salary of the warden of the penitentiary; which was read, and the constitutional rule being dispensed with, it was read a second time, and on motion of Mr Reese, referred to the committee on the penitentiary.

Mr Turner introduced a bill to be entitled an act, to ascertain and fix permanently the line between the counties of Madison and Jackson; which was read, and ordered to a second reading.

Mr Reese introduced a bill, to be entitled an act, to establish an election precinct in the county of Chambers; which was read and ordered to a second reading.

Mr Jones introduced a bill, to be entitled an act, to amend and explain an act, for the relief of Elizabeth Morris, approved 9th Jan. 1836; which was read and ordered to a second reading.

Mr Foster offered joint resolutions in relation to the county of Cherokee which were read and ordered to a second reading.

Mr Toulmin introduced a bill, to be entitled an act, to establish a road court in the county of Mobile; which was read, and ordered to a second reading.

Mr McConnell introduced a bill, to be entitled an act, respecting depositions, &c.; was read a second time, and on motion of Mr Phillips, referred to the committee on the judiciary.

A bill, to be entitled an act, to regulate the salaries of the solicitors of the 1st and 10th judicial circuits, was read a second time, and on motion of Mr McConnell, referred to the judiciary committee.

A bill, to be entitled an act, to authorize the relinquishment of sixteenth sections, in certain cases, was read a second time, and on motion of Mr Brindley, referred to the committee on education.

A bill, to be entitled an act, to compensate the commissioners of roads and revenue in the county of Dale, and for other purposes; was read a second time, and ordered to be engrossed for a third reading on to-morrow.

A bill, to be entitled an act, to prevent the shooting or killing of deer, during certain seasons of the year in Limestone county; was read a second time.

Mr Brindley, offered the following amendment, to wit: Provided, that nothing herein contained shall be construed to prevent the citizens of other counties from shooting and killing deer in Limestone county, nor to authorise the citizens of Limestone to shoot or kill deer in any other county, within the time aforesaid, under the penalty aforesaid; which was lost.

Mr Turner moved to amend the bill, by striking out January, where it occurs, and inserting in lieu thereof, February.

Mr Wilson of Jackson, called for a division of the question, which was first taken on striking out, and carried.

Mr Wilson of Jackson, moved to insert April; which was lost: the question then recurred on February; which prevailed.

Mr Turner then moved to fill the remaining blank in said bill with ten; which was lost.

Mr McConnell moved to fill the blank with five; which was carried: the bill as amended, was then ordered to be engrossed for a third reading.

A bill, to be entitled an act, to regulate judicial proceedings in the county court of Mobile county, and

A bill, to be entitled an act, to amend the laws in regard to limitations of actions; were severally read a third time and passed. Ordered, that the titles remain as aforesaid, and that they be sent to the House of Representatives, for their concurrence.

A bill, to be entitled an act, to amend the charters of the bank of the State of Alabama, and the several branch banks, in the mode of collecting their debts, and for other purposes; was read a third time and passed. Yeas 21—Nays 8.

Those who voted in the affirmative, are, messrs President, Andress, Buford, Clarke, Dailey, Dent, Foster, Hudson, Hunter, King, McClanahan, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Toulmin, Turner, Wilson, of J. and Womack.

Those who voted in the negative, are, messrs Brindley, Creagh, Hall, Jones, McAllister, Reese, Thornton and Wilson, of F.

Ordered, that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

Engrossed bill, to be entitled an act, concerning suits against executors, administrators, &c. was read a third time and passed: the Senate ordered that the title remain unchanged, and that it be sent to the House of Representatives for their concurrence.

A bill, to be entitled an act, to ascertain and fix permanently, the line between the counties of Jackson and DeKalb; was read a second time, and on motion of Mr Wilson of J., referred to a select committee; whereupon messrs Wilson of J., Foster and McConnell, were appointed said committee.

On motion of Mr Turner: **RESOLVED**, that the judiciary committee be instructed to inquire into the expediency of passing a law, exempting all public officers from any liability for official conduct, unless prosecuted within ten years after the expiration of their office; with leave to report by bill or otherwise.

Mr Jones, from the committee on enrolled bills, reported that they had examined, and found correctly enrolled,

An act to authorise William Hughes, tax collector of Cherokee county, to assess and collect the taxes of said county for the year 1841, and to change the time for the election of said officer in future.

On motion of Mr Creagh, the bill to be entitled an act, allowing compensation to certain persons, was taken from the table, when on motion of Mr Address, it was referred to a select committee, whereupon messrs Address, Creagh, and McClanahan, were appointed said committee.

On motion of Mr Reese, **RESOLVED**, that the door keeper of the Senate be instructed to procure for the use of the Senate, a map of the State of Alabama.

On motion of Mr Phillips, **RESOLVED**, that the committee on the State bank and branches be instructed to inquire into the expediency of dispensing with protest and notice against the makers of promissory notes, and the drawers of bills of exchange, where the paper is owned by the banks.

On motion of Mr King, the Senate then adjourned until to-morrow, 10 o'clock.

TUESDAY, NOV. 9, 1841.

The Senate met pursuant to adjournment.

Mr Clarke presented the petition of sundry citizens of the county of Benton, the reading of which was dispensed with, and on motion of Mr Clarke, ordered to lie on the table.

Mr Dent presented the account of messrs Hogan & Lyon, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr Thornton, from the committee on the judiciary; to which was referred a resolution instructing them to inquire into the constitutionality and expediency of providing by law, for the removal from office justices of the peace, for malpractice in office, as also the expediency of interposing jury trials in justices courts: reported, that as to the first part of the resolution, it seemed to the committee that justices of the peace were embraced in the list of civil officers, required by the constitution to be removed by impeachment alone; and as to the second part of the resolution, relating to jury trials in justices courts, that it was inexpedient to legislate thereon; in which, the Senate concurred.

Mr Thornton, from the same committee, to which was referred so much of the Governor's Message as relates to the criminal code, reported that, since the reference, by the proclamation of his Excellency, as provided for by the code, the same had become a part of the laws of the State; and as the resolution of reference did not seem to contemplate any action by the committee on the provisions thereof, they begged leave to be discharged from the further consideration thereof. The report, on motion of Mr Hudson, was ordered to lie on the table.

Mr Thornton, from the same committee to which was referred a bill to be entitled an act to confirm the will of Thomas Murphy deceased, together with the amendment offered thereto, reported the bill back to the Senate, and recommended its passage without the amendment.

Mr Phillips, from the judiciary committee, to which was referred a bill to be entitled an act to authorize the comptroller of public accounts to draw his warrant on the treasurer in favor of Sion L. Perry, for the balance of the salary of the late H. G. Perry deceased, judge of the second judicial circuit, with an amendment, reported, that according to order, they had had the same under consideration, and that the committee had instructed him to report the same back to the Senate with an amendment, as therein shewn, and recommended its passage; the amendment was adopted by the Senate, and the bill placed among the orders of the day.

Mr Address, from the committee on propositions and greivances to which was referred the petition of Norborne E. Chandler, of Sumter county, reported a bill to be entitled an act to authorize Norborne E. Chandler, of Sumter county to sell goods, wares, and merchandise, in said county, without license; which was read a first time, and ordered to a second reading.

Message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives concur in the resolution of the Senate proposing to go into the election of judge of the county court of Franklin county, on to-morrow at 12 o'clock, M. They have read three several times and passed bills, which originated in the House of Representatives of the following titles, to wit:

An act to provide for the election of the tax collector for the county of Marshall.

An act to authorize the circuit court of Butler county to remain in session two weeks at its March term 1842, and an act to change the term of the winter term of the county court of Butler county, in which the concurrence of the Senate is asked.

Engrossed bills from the House of Representatives of the following titles, to wit:

An act to change the time of holding the winter term of the county court of Butler county.

An act to authorize the circuit court of Butler county to remain in session two weeks at its March term 1842.

An act to provide for the election of a tax collector for the county of Marshall; were severally read, and ordered to a second reading.

Mr Toulmin offered the following resolution: **RESOLVED**, that with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, on Saturday the 13th inst. at the hour of 12 o'clock, M., for the purpose of electing a warden and three inspectors of the Peniten-

tiary, which, on motion of Mr McConnell, was amended by striking out "Saturday, the 13th inst.," and inserting in lieu thereof, "Saturday, the 20th inst.;" the resolution, as amended, was then adopted.

Mr King introduced a bill to be entitled an act to repeal the general ticket system in elections for representatives in Congress from the State of Alabama, which was read a first time. Mr Hall moved to lay the bill upon the table, which was lost. Yeas 7, Nays 21.

Those who voted in the affirmative are, messrs Baylor, Brindley, Clarke, Hall, McAllister, Turner and Wilson of F.

Those who voted in the negative are, messrs President, Andress, Buford, Creagh, Dailey, Dent, Foster, Hudson, Jones, King, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Wilson of Jackson, and Womack.

The question then recurred on ordering the bill to a second reading, which was carried.

Mr Toulmin introduced a bill to be entitled an act to permanently establish the boundaries of the 48th and 89th Regiments of Alabama militia, in the county of Mobile; which was read, and ordered to a second reading.

The Senate then took up the orders of the day.

A bill to be entitled an act to change the mode of assessing and collecting taxes for the counties of Jackson, was read a second time, and on motion of Mr Wilson of J., referred to a special committee, consisting of messrs Wilson of J., Hudson, and Womack.

A bill to be entitled an act to ascertain and fix permanently the lines between the counties of Madison and Jackson, was read a second time and ordered to a third reading on to-morrow.

A bill to be entitled an act to establish an election precinct in the county of Chambers, was read a second time; Mr Hudson moved to refer it to the committee on privileges and elections; which was lost.

Mr Clark, to amend so as to abolish the precinct at the boiling spring in the county of Benton, and to establish one at the house of Dudley Snow.

Mr Jones, to abolish the precincts at Hatche's school house and Washington's store in Sumter county.

Mr Dailey, to abolish the precinct known as Fort Rascal, and establish one at the house of Isaac Morris, in Tallapoosa county.

Mr McConnell, to establish an election precinct at Flat Rock in the county of Talladega.

Mr Toulmin, to abolish a precinct at the house of Jesse Lott in Mobile county, and establish one in lieu thereof at the house of James Wilkinson in said county.

Mr McAllister, to establish an election precinct at the house of Desire Tillman, in the county of Dale, and to abolish the election precinct at Ott's mill, and establish one in lieu thereof at the house of Benjamin Walden, in said county; and also to establish an election precinct at the store house of Elias Miller, in the county of Henry.

Mr Andress, to abolish the election precinct of John Salters, in the county of Monroe.

Mr Hunter, further to amend by abolishing the election precinct known as Hainbank's precinct in the county of Lowndes, and establishing one at the house of ——— Tomilson, in said county.

Mr Hudson, to establish an election precinct at the house of William Smith, on big bear creek, in Franklin county: all of which were adopted. The bill as amended was then ordered to be engrossed for a third reading.

A bill to be entitled an act to amend and explain an act entitled an act for the relief of Elizabeth Morris; approved 9th January, 1836, was read a second time, and on motion of Mr Jones, referred to a select committee; whereupon, messrs Jones, Clarke, and Toulmin, were appointed said committee.

Joint resolutions in relation to the county of Cherokee, were read a second time, and on motion of Mr Clarke referred to the committee on county boundaries.

Mr Clark moved to take from the table the petition of sundry citizens of the county of Benton, and that it accompany the joint resolutions in relation to the county of Cherokee which was carried.

A bill to be entitled an act to establish a road court in the county of Mobile, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act for the relief of Richard Earle, was read a second time and ordered to be engrossed for a third reading.

Engrossed bill to be entitled an act to compensate the commissioners of roads and revenue in the county of Dale, was read a third time.

On motion of Mr. Ross, the bill was amended, by adding another section by way of engrossed rider; the bill then passed the Senate.

Ordered that the title be so changed, as to read, "the counties of Dale and Wilcox."

Ordered that it be sent to the House of Representatives for their concurrence.

Engrossed bill to be entitled an act to prevent the shooting and killing of deer, during certain seasons of the year, in Limestone county, was read a third time, and passed.

Ordered that the bill remain as aforesaid.

A bill to be entitled an act to authorize the comptroller of public accounts to draw his warrant on the treasurer, in favor of S. L. Perry, for the balance of the salary due the late H. G. Perry, deceased, judge of the second judicial circuit; and a bill to be entitled an act to confirm the will of Thos. Murphy, deceased, were severally read a second time, and ordered to be engrossed for a third reading.

On motion of Mr Dent: **RESOLVED**, that the military committee be instructed to examine and report to the Senate, the state and condition of the State Arsenal, and the number and condition of the arms therein.

Message from his Excellency, the Governor, by J. D. Bagby, his private secretary.

EXECUTIVE DEPARTMENT,)

TUSKALOOSA, Nov. 9, 1841.)

SIR: I have the honor to lay before the Senate, copies of joint resolutions of the General Assembly of Pennsylvania, in relation to the public lands.

Of the Legislature of Delaware, on the same subject.

Of Kentucky, in favor of limiting the office of President to one term.

Of Delaware, on the same subject.

Of Indiana, in favor of designating the same day throughout the United States, for the election of President.

Of Massachusetts, concerning the north-eastern boundary: concerning the

public lands; re-eligibility of the President, and the revenue laws of the U. States; and a memorial from the directors of the New York Lyceum: All of which are respectfully submitted for your consideration.

A. P. BAGBY.

Hon. NATHANIEL TERRY, President of the Senate.

The message, together with the accompanying documents, was on motion of Mr McConnell referred to the committee on federal relations.

Mr Wilson of J. presented the report of the commissioners of the public works on Paint rock river; which was read, and on motion of Mr Wilson ordered to lie upon the table.

Mr Creagh moved to print thirty-three copies of the report, for the use of the Senate; which was lost.

Mr Ross introduced a bill to be entitled an act in relation to the 16th section, in township 10, of range 5, in the county of Wilcox; which was read and ordered to a second reading.

On motion of Mr Hall, **RESOLVED**, that the judiciary committee be instructed to inquire into the expediency of passing a law, exempting the property of females from sale for the payment of debts contracted by their husbands previous to marriage.

On motion of Mr Dent, **RESOLVED**, that the committee on military affairs be instructed to inquire into the expediency of forming an additional regiment in the counties of Tuscaloosa, Randolph and Franklin, and report by bill or otherwise.

On motion of Mr Baylor, the Senate then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, Nov. 10, 1841.

The Senate met pursuant to adjournment.

Mr Hudson, from the committee on roads, bridges and ferries, to whom was referred a bill to be entitled an act to exempt certain persons from road duty, reported the same back to the Senate with the following amendment, to wit: In the second line from the bottom, strike out the word "made," and in the amendment accompanying said bill, strike out the word "or," where it occurs in the first line of said amendment, and after the word "mayhaimed," add, "so as to render them incapable of doing ordinary work;" which was adopted, and the bill placed among the orders of the day.

Mr Baylor, from the committee on education, to whom was referred a joint resolution concerning the purchasers of 16th sections, reported the same back to the Senate without amendment, and recommended its passage. The bill was then placed among the orders of the day.

Mr Toulmin, from the committee on the State bank, to whom was referred a resolution instructing them to inquire into the expediency of dispensing with protest and notice, against the makers of promissory notes, and the drawer of bills of exchange when the paper is owned by the banks, reported the same back to the Senate as inexpedient to be passed.

On motion of Mr Hunter, the resolution and report was referred to the committee on the judiciary.

Mr Toulmin, from the same committee to whom was referred a resolution instructing them to inquire into the expediency of restricting the discounts of the State bank and its several branches to pre-emptioners, reported that it was inexpedient to legislate on the subject.

The committee further stated that inasmuch as the subjects referred to in the 2d, 3d, 4th, 5th and 6th resolutions are embraced in other resolutions now before the Senate, they also reported it back to the Senate.

On motion of Mr Hudson, the report was ordered to lie upon the table.

Mr Wilson of F. introduced a bill to be entitled an act to change the time of convening the general assembly; which was read and ordered to a second reading.

Mr Reese, from the committee on internal improvement and inland navigation, to whom was referred that portion of the Governor's message in relation to the two per cent. fund, reported by direction of the committee, a bill to be entitled an act to accept the two per cent. fund; which was read and ordered to a second reading.

Mr Reese offered the following preamble and resolution:

Whereas, by a resolution of Congress, approved September 1, 1841, the State of Alabama is entitled to two hundred and forty copies of the printed volumes of the sixth census of the people of the United States: Therefore,

RESOLVED, that the committee on education be instructed to report a bill for the purpose of distributing them throughout the State; which was adopted.

Mr Andress, from the select committee, to which was referred a bill allowing compensation to certain persons, reported the same back to the Senate, amended as therein shewn, and recommended its passage. The amendment was adopted by the Senate.

Mr Thornton offered the following amendment to the bill, to wit: Provided, that the owner of the horse or horses shall produce satisfactory evidence to the Comptroller of public accounts, authenticated in such manner as he may require, that the loss to be reimbursed was from unavoidable causes, and not from the neglect of the owner of such horse.

On motion of Mr Jones, the bill together with the amendment, was recommitted to the select committee.

And at the suggestion of Mr Creagh, Mr Baylor was added to said committee.

Message from the House of Representatives.

Mr President: The House of Representatives have read three several times, bills which originated in the House of Representatives of the following titles, to wit:

An act to incorporate the town of Warrenton, in the county of Marshall.

An act to repeal in part and amend an act entitled an act to wind up the land office at Courtland, approved Jan. 9, 1841.

An act to authorise Allen Woolley to erect a gate across a certain public road therein named.

An act to amend the laws for assessing and collecting the taxes in the county of Butler, and for other purposes.

An act to declare Bear creek a public highway.

An act to establish a ware-house for the inspection of tobacco, in the town of Decatur, in this State.

An act to change the time of appointing tobacco inspectors for the county of Lauderdale: in all of which the concurrence of the Senate is respectfully asked.

Engrossed bill from the House of Representatives to be entitled an act to change the time of appointing tobacco inspectors for the county of Lauderdale.

dale, was read three several times, the constitutional rule being dispensed with, and passed. Ordered, that the title remain as aforesaid, and that the Senate be acquainted therewith.

Bills from the House of Representatives of the following titles, to wit:

An act to establish a ware-house for the inspection of tobacco, in Decatur, in this State.

An act to declare Bear creek a public highway.

An act to authorise Allen Woolley to erect a gate across a certain public road therein named.

An act to repeal in part and amend an act entitled an act to wind up the land office at Courtland, approved Jan. 9, 1841.

An act to incorporate the town of Warrenton, in the county of Marshall, were severally read and ordered to a second reading.

A bill from the House of Representatives to be entitled an act to amend the laws for assessing and collecting the taxes in the county of Butler, and for other purposes, was read three several times, the constitutional rule being dispensed with, and passed. Ordered, that the title remain as unchanged, and that the Senate be acquainted with the passage of the same.

Mr Hall introduced a bill to be entitled an act to provide for the removal of the seat of government, which was read and ordered to a second reading.

Mr Dent presented the account of R. W. Barber, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

On motion of Mr Phillips, **RESOLVED**, that the judiciary committee inquire into the expediency of modifying the punishment of mayhem; reducing to less than imprisonment in the penitentiary for dismemberment of fingers during a personal combat.

On motion of Mr Hall, **RESOLVED**, that the committee on the judiciary be instructed to inquire into the expediency of having biennial sessions of the general assembly, and that they report by bill or otherwise.

Mr Womack introduced a bill to be entitled an act to secure a homestead to every family within this State; which was read and ordered to a second reading.

On motion of Mr Reese, the vote taken on yesterday referring certain documents to the committee on federal relations, was reconsidered.

On motion of Mr Reese, the memorial of the directors of the New-York Lyceum, was referred to the committee on education.

On motion of Mr Reese, the message of the Governor and the remaining documents accompanying it, were recommitted to the committee on federal relations.

Mr Reese, from the special committee to whom was referred joint resolutions in relation to the exchanging Porter's Reports for a number of Aikin's Digest of the Laws of the State, reported a substitute therefor; which was read a first time.

Mr Creagh moved to amend by adding 10 copies to Clarke county; five to Limestone; ten to Madison; six to Marshall; six to Blount; ten to Macon; five to Tallapoosa; ten to Montgomery; fifteen to Talladega; five to Henry; five to Dale; and the balance to be distributed among the counties that may not have been supplied.

The substitute, together with the amendment offered, was on motion of Mr Hall, recommitted to a select committee.

Whereupon, messrs Hall, Turner and Reese were appointed said committee.

Mr Hall, from the committee on the penitentiary, to whom was referred a joint resolution proposing to reduce the salary of the warden of the penitentiary, reported a substitute and recommended its adoption; which on motion of Mr McConnell, was laid on the table.

Message from the House of Representatives by Mr Tunstall.

Mr President: I am directed by the House of Representatives to invite the Senate into the Hall of the House for the purpose of going into the election of a judge of the county court of Franklin county.

The Senate thereupon repaired to the House of Representatives, were seated, and the President announced the object of the meeting of the two Houses.

The two Houses then proceeded to the election of a judge of the county court of Franklin county: CORDY N. SKINNER, MICAJAH TARVER, LEMUEL COOK and HENRY C. JONES being in nomination.

Those who voted for Mr Skinner, are messrs Address, Buford, Dent, Hunter, King, Oliver, Phillips, Ross, Rodgers, Thornton and Womack of the Senate; and messrs Barker, Barron, Bradley, Broughton, Cain, Chiles, Cochran, Covington, Crenshaw, Crawford, Erwin, Ford, Garland, Gresham, Griffin of M. Griffin of S. Harris, Hunter, Jones of Con. Jefferson, Jemison, Justice, Kidd, Mason, B. McAlpin, S. McAlpin, McLemore, Mitchell, Moors, Mundy, Norwood, Rhodes, Scott, Smith of Tus, Spruill, Storrs, Walker, Ware and Young.

Those who voted for Mr Tarver, are messrs Davis of L., Hall, Houston, James, Norman, Norris, Perkins, Phillips, Reynolds, Valliant and Walker of L. of the House.

Those who voted for Mr Cook, are messrs Hudson and McAllister of the Senate; and messrs Bishop, Burleson, Gardner, Heflin, Marchbanks, McMillion of J. Smith of J. and Taylor of the House.

Those who voted for Mr Jones are, messrs President, Baylor, Brindley, Clarke, Creagh, Dailey, Foster, Hall Jones, McClanahan, McConnell, Reese, Toulmin and Turner, of the Senate, and messrs Speaker, Alexander of Lowndes, Allen, Armbrister, Clemens, Davis of B. Fletcher, Griffin of J. Hammond, Houghton, Hunter, Jones of Cov. Jones of M., Kennedy, McAllister, B. McAlpin, McLeod, McMillion of B. Morgan, Musgrove, Randolph, Rice, Rogers, Rushing, Smith of Laud., Steele, Strode, Stinson, Troup, Walker of B., Winston, Woodward, Wynn and Yancey, of the House.

No one of the candidates having received a majority of votes, the two houses proceeded again to the election.

Those who voted for Mr Skinner, are messrs Buford, Dent, Hunter, King, Oliver, Phillips, Ross, Rodgers, Thornton and Womack, of the Senate; and messrs Barker, Barron, Bradley, Broughton, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Erwin, Ford, Gardner, Garland, Gresham, Griffin of S. Hall, Harris, Hunter, Jones of Con. Jefferson, Jemison, Justice, Kidd, Mason, R. McAlpin, S. McAlpin, McLemore, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Phillips, Rhodes, Scott, Smith of T. Storrs, Wallace, Ware and Young.

Those who voted for Mr Tarver, are messrs Cochran, Houston, James, Norman, Reynolds and Walker of L.

Those who voted for Mr Cook, are Mr Hudson of the Senate, and messrs Alexander of Laud., and Griffin of M.

Those who voted for Mr Jones, are messrs President, Baylor, Brindley, Clarke, Creagh, Dailey, Foster, Hall, Jones, McAllister, McClanahan, McConnell, Reese, Toulmin and Turner of the Senate; and messrs Speaker, Alexander of Lowndes, Allen, Ambrister, Bishop, Burleson, Clemens, Davis of B., Davis of L., Fletcher, Griffin of J., Hammond, Haughton, Heflin, Henslee, Jones of Cov. Jones of M. Kennedy, Marchbanks, McAllister, B. McAlpin, McLeod, McMillion of B. McMillion of J. Morgan, Musgrove, Randolph, Rice, Rodgers, Rushing, Smith of J. Smith of Laud. Steele, Strode, Stinson, Taylor, Troup, Valliant, Walker of B. Winston, Woodward, Wynn, and Yancey, of the House.

No one of the candidates having received a majority of votes, the two Houses proceeded again to the election.

Those who voted for Mr Skinner, are messrs Andress, Buford, Dent, Hunter, King, Oliver, Phillips, Ross, Rodgers, Thornton and Womack of the Senate; and messrs Barker, Barron, Bradley, Broughton, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Ford, Gardner, Garland, Gresham, Griffin of S. Hall, Harris, Hunter, Jones of Cov. Jefferson, Jemison, Justice, Kidd, Mason, R. McAlpin, S. McAlpin, McLemore, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of T., Spruill, Storrs, Wallace, Ware and Young.

Those who voted for Mr Jones, are Mr President, Baylor, Brindley, Clarke, Creagh, Dailey, Foster, Hall, Hudson, Jones, McAllister, McClanahan, McConnell, Reese, Toulmin, Turner and Wilson of F. of the Senate; and messrs Speaker, Alexander of Lowndes, Alexander of Laud., Allen, Ambrister, Bishop, Burleson, Clemens, Cochran, Davis of L. Fletcher, Griffin of J. Griffin of M. Hammond, Haughton, Heflin, Henslee, Houston, James, Jones of Cov. Jones of M. Kennedy, Marchbanks, McAllister, B. McAlpin, McLeod, McMillion of B. McMillion of J. Morgan, Musgrove, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of J. Smith of Laud. Steele, Strode, Stinson, Taylor, Troup, Valliant, Walker, of B. Walker of Law. Winston, Woodward, Wynn and Yancey.

Henry C. Jones having received a majority of votes, Mr Speaker declared him elected judge of the county court of Franklin county, for the ensuing six years.

The Senate then withdrew from the Hall of the House, and repaired to the Senate Chamber.

Mr President resumed the Chair, and the Senate again proceeded to business.

Mr Foster then arose and announced to the Senate the death of the Hon. John H. Garrett, a member of the House of Representatives from the county of Cherokee, and in relation thereto, offered the following resolutions; which were unanimously adopted.

1. **RESOLVED**, that the Senate deeply deplore the death of the Hon. John H. Garrett, a member of the House of Representatives from the county of Cherokee.
2. **RESOLVED**, that we sympathise with his bereaved family in this painful dispensation of Providence.
3. **RESOLVED**, That we will attend the funeral rites of the deceased, and will wear the usual badge of mourning round the left arm for thirty days.
4. **RESOLVED**, that a committee be appointed on the part of the Senate, to

act with such committee as may be appointed on the part of the House of Representatives to superintend the funeral arrangements.

5. **RESOLVED**, that the members of the Senate will meet in the Hall of the House of Representatives at 9 o'clock to-morrow morning, to join in the funeral procession.

6. **RESOLVED**, that the Senate do now adjourn until 10 o'clock on Friday morning next.

Messrs Foster, McConnell and Clarke were appointed a committee of arrangements on the part of the Senate.

The Senate then, in accordance with the foregoing resolutions, adjourned until Friday morning 10 o'clock.

FRIDAY, Nov. 11, 1841.

The Senate met pursuant to adjournment.

Mr Hudson presented the petition of sundry citizens of Franklin county, the reading of which was dispensed with, and on motion referred to the committee on education.

Mr Hudson presented the account of Joseph Young, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr Toulmin, from the committee on the State bank, to whom was referred a resolution instructing them to inquire into the expediency of changing the mode of electing the President and Directors of the State bank and its branches, so as to conform as near as practicable to the recommendation of the Executive, reported a bill to be entitled an act to reduce the number and change the mode of electing the directors of the bank of the State of Alabama and its several branches; which was read and ordered to a second reading.

Message from the House of Representatives.

Mr President: The House of Representatives have adopted the following memorial and joint resolution, to wit:

To the Congress of the United States in relation to the lands lying in Jackson county, south of the Tennessee river; which were read a first time and placed among the orders of the day.

Mr Toulmin, from the committee on the State bank, to which was referred so much of the Governor's message as relates to changing the number and mode of electing the President and Directors of the State bank and its several branches, reported that the subject referred to in this resolution was already embraced in a bill now before the Senate; the committee therefore asked leave to be discharged from the further consideration of the resolution; which was agreed to.

Mr President laid before the Senate the report of the commissioners appointed by the Governor to examine into the affairs and condition of the branch of the bank of the State of Alabama at Huntsville, the reading of which was dispensed with, and on motion of Mr Hudson, ordered to lie upon the table.

Mr President laid before the Senate the report of the Cashier of the bank of the State of Alabama, exhibiting the indebtedness to said bank for the year ending the 30th October, 1841; the reading of which was dispensed with, and of motion of Mr Hudson, ordered to lie on the table.

Mr Hall presented the account of Boliver Smith and M. E. Hardy, the

reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Turner presented the memorials of John H. Lewis, George Cox, and Benjamin Patterson; the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr Clarke introduced a bill to be entitled an act to prohibit members of the general assembly from recommending promissory notes and bills of exchange for discount; which was read a first time and ordered to a second reading. Yeas 23, Nays 3.

Those who voted in the affirmative are messrs President, Andress, Buford, Clarke, Creagh, Dailey, Dent, Foster, Hall, Hudson, King, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Toulmin, Turner, Thornton, Wilson of J. and Womack.

Those who voted in the negative are messrs Brindley, Jones and Rodgers.

Mr Phillips offered a joint resolution authorising the State bank and branches to reduce the State liabilities; which was read and ordered to a second reading.

Mr Oliver introduced a bill to be entitled an act in relation to the dividend of this State in the public land fund; which was read and ordered to a second reading.

Mr Terry introduced a bill, to be entitled an act to alter the mode of assessing and collecting the taxes for Limestone county; which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and on motion of Mr Terry, referred to the judiciary committee.

Mr Oliver presented the account of Buford & Johnson, assignees of Wm. Y. Fryer; the reading of which was dispensed with, and on motion, referred to the committee on Indian expenditures.

Mr Reese from the committee on retrenchment, to whom was referred a resolution instructing them to inquire into the expediency of reducing the wages of the warden of the penitentiary for the first year, and to report by bill or otherwise: reported, that inasmuch as the object intended to be accomplished is embraced in joint resolutions now before the Senate, thus asked leave to be discharged from the further consideration of the subject; in which the Senate concurred.

Mr Reese from the same committee, to whom was referred so much of the Governor's message as relates to the rights of minorities, reported that the committee wished to be discharged from the further consideration of the subject; which was agreed to by the Senate, and the committee discharged.

On motion of Mr Andress: **RESOLVED**, that the committee on the judiciary be instructed to inquire as to the expediency of taxing suits in the courts of chancery, for the benefit of sheriffs attending on the same, and that they report by bill or otherwise.

On motion of Mr Thornton, it was resolved by the Senate, that for the future, five members of the judiciary committee, should constitute a quorum to do business.

A similar motion was made by Mr Turner, in relation to the State bank committee, which was agreed to.

On motion of Mr Turner, leave was granted to add another member to the committee on county boundaries; Mr Foster was then on Mr Turner's motion added to said committee.

Mr Brindley introduced a bill, to be entitled an act for the benefit of Sally Partain, wife of Ja's Partain, which was read and ordered to a second reading.

On motion of Mr Brindley, it was resolved that the committee on the judiciary be instructed to inquire into the expediency and constitutionality of repealing any act, giving the privilege of turnpiking roads and charging therefor, when said roads may not be kept in order, as contemplated therein.

On motion of Mr Creagh: **RESOLVED**, that the committee on the judiciary be instructed to inquire into the expediency of amending the existing law, so that a longer time shall be required before accounts and notes shall be barred from collection.

On motion of Mr Dailey: **RESOLVED**, that the committee on the penitentiary, be instructed to inquire into the propriety of repealing the 4th section of the 14th chapter of a bill entitled an act to regulate punishments under the penitentiary system, and that they report by bill or otherwise.

A bill from the House of Representatives, to be entitled an act to change the time of holding the winter term of the county court of Butler county; was read a second time, and the constitutional rule being dispensed with, it was read a third time and passed. Ordered, that the title of the same remain as aforesaid.

Bills from the House of Representatives of the following titles, to wit:

An act to provide for the election of a tax collector of the county of Marshall, and

An act to authorize the circuit court of Butler county to remain in session two weeks, were severally read a second time, and ordered to a third reading.

A bill, to be entitled an act to repeal the general ticket system in elections for representatives to Congress from the State of Alabama, was read a second time; and on motion of Mr Hudson, referred to a select committee, whereupon messrs King, Hudson, and Turner, were appointed said committee.

Engrossed bill, to be entitled an act to ascertain and fix permanently the lines between the counties of madison and Jackson; was read a 3d time, and on motion of Mr Turner, amended by an additional section, by way of engrossed ryder, as therein shewn: the question on the passage of the bill, was then put and carried in the affirmative. Ordered, that the title remain as aforesaid.

Engrossed bill, to be entitled an act to establish election precincts in the county of Chambers, Lowndes, Dale, Henry, Franklin, Talladega, mobile, Benton, Tallapoosa, and for other purposes; was read a third time and passed.

On motion of Mr Hudson, the caption was amended, so as to read: To establish certain election precincts therein named, and for other purposes.

Engrossed bill, to be entitled an act to establish a road court in the county of mobile; was read a third time and passed. Ordered that the title remain as aforesaid.

Engrossed bill, to be entitled an act for the relief of Richard G. Earle, was read a third time and passed. Yeas 19. Nays 8.

Those who voted in the affirmative, are messrs President, Buford, Clarke, Creagh, Dent, Foster, Hall, Hunter, Jones, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Toulmin, Turner, Thornton, and Womack.

Those who voted in the negative, are, messrs Address, Brindley, Dailey, King, Rodgers, McClanahan and Wilson of F.

Ordered, that the title remain as aforesaid.

Engrossed bills of the following titles, to wit: An act to authorize the Comptroller of public accounts, to draw his warrant on the Treasurer, in favor of Sion L. Perry, for the balance of the salary due the late Horatio G. Perry, judge of the 2d judicial circuit, and

An act to confirm the will of Thomas Murphy, dec'd, were severally read a third time and passed. Ordered, that the titles of the same remain unchanged.

Joint resolutions of the General Assembly, concerning purchasers of 16th sections; were read a second time, and on motion of Mr Phillips, referred to a select committee; whereupon messrs Phillips, Thornton, and Turner were appointed said committee.

A bill, to be entitled an act to accept the two per cent fund was read a second time, and on motion of Mr Hudson, referred to the committee on federal relations.

Engrossed bill, from the House of Representatives, to be entitled an act to establish a ware house for the inspection of tobacco in the town of Decatur, in this State, was read a second time, and the constitutional rule being dispensed with, was read a third time and passed. Ordered, that the title remain as aforesaid.

Engrossed bill from the House of Representatives, to be entitled an act to declare Bear creek a public highway; was read a second time, and on motion of Mr Baylor, referred to the committee on internal improvement and inland navigation.

Engrossed bill from the House of Representatives, to be entitled an act to authorise Allen Woolly, to erect a gate across a certain public road therein named, was read a second time, and the constitutional rule being dispensed with, it was read a third time and passed. Ordered, that the title of the same remain as aforesaid.

A bill from the House of Representatives, to be entitled an act to repeal in part and amend an act entitled an act to wind up the Courtland land office, was read a second time, and on motion of Mr Creagh, referred to a select committee; whereupon messrs Creagh, Hudson, and Turner, were appointed said committee.

A bill from the House of Representatives, to be entitled an act to incorporate the town of Warrenton, in the county of Marshall, was read a second time and the constitutional rule being dispensed with, was read a third time and passed. Ordered, that the title remain unchanged.

A bill, to be entitled an act to provide for the removal of the seat of government, was read a second time, and ordered to be engrossed for a third reading on to-morrow. Yeas 16—Nays 12.

Those who voted in the affirmative, are, messrs Andress, Clarke, Creagh, Dailey, Foster, Hall, Hunter, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Toulmin, Turner and Womack.

Those who voted in the negative, are, messrs President, Baylor, Brindley, Buford, Dent, Hudson, Jones, King, McClanahan, Rodgers, Thornton, and Wilson of Fayette.

A bill, to be entitled an act to secure a homestead to every family in this State, was read a second time, and on motion of Mr King, referred to the committee on the judiciary.

A memorial and joint resolutions to the Congress of the United States in

relation to the lands lying in Jackson county, south of the Tennessee river; was read a second time, and on motion of Mr Phillips, referred to the committee on federal relations.

On motion of Mr Dent, the report of the Comptroller of public accounts in relation to the contingent fund, was taken from the table and referred to a select committee; whereupon messrs Dent, Hudson and McConnell, were appointed said committee.

Mr Oliver introduced a bill, to be entitled an act in relation to prairie roads in Montgomery and Lowndes; which was read and ordered to a second reading.

A bill, to be entitled an act to authorise Norborne E. Chandler, of Sumter county, to sell goods, wares and merchandize in said county, without license, was read a second time and ordered to be engrossed for a third reading.

A bill, to be entitled an act in relation to the 16th section in township 10, of range 5, in the county of Wilcox, was read a second time and ordered to be engrossed for a third reading.

A bill, to be entitled an act to fix, and permanently establish the boundaries of the 48th and 89th regiments of Alabama militia, in the city and county of Mobile, was read a second time, and ordered to be engrossed for a third reading.

A bill, to be entitled an act to change the time of convening the General Assembly; was read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act to exempt certain persons from road duty, was read a second time and ordered to be engrossed for a third reading.

On motion of Mr Phillips, the Senate then adjourned until to-morrow morning 10 o'clock.

SATURDAY, Nov. 13, 1841.

The Senate met pursuant to adjournment.

Mr Thornton from the judiciary committee, to which was referred the memorial of Robert Douglass, setting forth a gross fraud practiced upon him in the article of marriage, consisting in the concealment of the fact, that his wife, whom he believed to be a virgin, was unlawfully *inciente* by another, and praying for the enactment of a law for his relief, in the premises: reported, that it was inexpedient to legislate upon the subject. The committee respectfully suggested that however proper it might be, to add to the number of cases now provided by law, in which a divorce may be obtained, that of a fraud like the one set forth in the memorial, yet the case of the memorialist would not be embraced, unless we omitted to apply the salutary rule of evidence now applicable to all cases of divorce, that the confession of the parties cannot be received, since there is no evidence of the fraud complained of brought to our view, by the record submitted with the memorial, except the admission of the wife.

On motion of Mr McConnell, the report was ordered to lie upon the table.

Mr Thornton from the same committee to which was referred a resolution instructing them to enquire into the expediency of having biennial sessions of the General Assembly, reported that it was inexpedient to legislate on the subject; in which the Senate concurred.

Mr Thornton from the same committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law exempting

the property of females from sale for the payment of debts contracted by their husbands previous to marriage; report that it was inexpedient to pass a law for the purpose contemplated in the resolution; which was concurred in by the Senate. Yeas 19—Nays 10.

The yeas and nays being desired:

Those who voted in the affirmative, are, messrs Andress, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Hunter, McAllister, McClanahan, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner, Wilson of F., and Wilson of J.

Those who voted in the negative, are messrs President, Buford, Dailey, Dent, Hall, Jones, King, McConnell, Ross, and Womack.

Mr Thornton from the same committee, to which was referred a bill, to be entitled an act to regulate the salaries of the solicitors of the 1st and 10th judicial circuits, reported the same back to the Senate, without amendment and recommended its passage—the bill was placed among the orders of the day.

Mr Thornton from the committee, to which was referred a resolution instructing them to revise the tax law of this State, and to report a substitute; as also so much of the Governor's message as relates to taxation for the support of the State government, asked to be discharged from the further consideration thereof, inasmuch as they related to a subject, upon which, by the constitution, legislation must originate in the other branch of the General Assembly; which on motion of Mr Hudson, was ordered to lie upon the table.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act to secure a more speedy collection of debts against incorporations, reported the same back to the Senate, with sundry amendments as therein shown, and recommended its passage in such amended form; which were concurred in.

Mr Baylor moved further to amend by adding the following provision, to wit: Provided, the provisions of this act shall not be applied to the Bank of the State of Alabama and its several branches, nor to the debtors thereof; which was adopted: the question was then taken on ordering the bill to be engrossed for a third reading and carried. Yeas 18. Nays 10.

The yeas and nays being desired:

Those who voted in the affirmative, are, messrs President, Andress, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, Toulmin, Wilson, of F. Wilson of J. and Womack.

Those who voted in the negative, are, messrs Dailey, Hall, Hunter, King, Oliver, Phillips, Reese, Ross, Thornton and Turner.

Mr Phillips from the judiciary committee, to which was referred a resolution of enquiry into the expediency of dispensing with protest and notice against the makers of promissory notes and bills of exchange, when the paper is owned by the banks, reported a bill to be entitled an act dispensing with protest and notice in certain cases; which was read and ordered to a second reading.

Mr Hudson from the select committee, to whom was referred a bill to be entitled an act to change the mode of assessing and collecting the taxes for the county of Jackson, reported a substitute therefor, which was adopted by the Senate, and ordered to be engrossed for a third reading.

Mr Phillips from the select committee, to which was referred joint resolu-

tions in relation to a recession of the sale of the 16th section in township 7, of range 2, in the St. Stephens land district, reported the same back to the Senate amended as therein shewn, and recommended its passage: the amendment was adopted, and the bill ordered to be engrossed for a third reading.

Mr Wilson of J., from the select committee to whom was referred a bill to be entitled an act to ascertain and fix permanently, the line between the counties of Jackson and DeKalb, reported the same back to the Senate and recommended its passage; which was then placed among the orders of the day.

Mr Toulmin from the committee on the State bank, to whom was referred the report of the cashier of the branch bank of the State of Alabama at Mobile shewing the liability of the members of the Senate and members of the House of Representatives, and of the President and Directors to the said branch bank, reported that the committee had examined the same, and instructed him to report it back to the Senate, and recommend that the said report be pointed in connexion with the reports of the several boards of commissioners who had examined the State bank and its branches under Executive appointment; which was concurred in.

On motion of Mr Hudson, one hundred fifty copies of the aforesaid report was ordered to be printed.

Mr Andress, from the select committee to which was referred a bill to be entitled an act, allowing compensation to certain persons; referred the same back to the Senate, amended as therein shewn, and recommended its passage; the amendment proposed by the committee was adopted by the Senate.

Mr Clarke offered an amendment, as an additional section, which was adopted: the bill as amended, was then ordered to be engrossed for a third reading.

Mr Baylor offered a preamble and joint resolutions, in relation to an act of the Congress of the U. States, entitled an act to distribute the proceeds of the sales of the public lands, and to grant pre-emption rights to settlers, approved Sept. 4, 1841, which were read, and ordered to a second reading.

On motion of Mr Hudson, **RESOLVED**, that the committee on the State bank be instructed to enquire into the propriety of passing a law, setting apart the sum of five hundred thousand dollars of the capital of the branch of the bank of the State of Alabama at Decatur, as a sinking fund, for the purpose of purchasing her bonds, under such rules and regulations as may seem most advisable; with leave to report by bill, or otherwise.

Mr Reese, from the judiciary committee, to whom was referred so much of the Governor's Message, as relates to the reports of the decisions of the supreme court, reported joint resolutions, authorizing the Secretary of State, to dispose of certain copies of said reports, as therein directed, which was read, and ordered to a second reading.

On motion of Mr Reese, **RESOLVED**; that the chairman of the committee on the State bank and its branches, be instructed to enquire of the cashier of the State bank and its several branches, whether any real or personal property has been received during the year 1841, in payment of any debts due the same; as to what kind, and the balance of the property so received, or purchased: if real estate, where situated; its value and improvements; from whom purchased; together with the name of the drawer and endorser on each note, or bill of exchange thus paid: also the amount of cash advanced; and to

whom, in each case, to enable them to obtain what they consider to be a perfect title; and that the chairman report such information as he may receive to the Senate.

On motion of **mr King**, the report of the committee on the Penitentiary, in relation to the joint resolution, proposing a reduction in the salary of the Warden of the Penitentiary, was taken from the table.

Mr Creagh moved to amend the resolution by striking out the words, "for every year thereof, until otherwise ordered, the salary shall be two thousand dollars."

Mr Thornton moved to lay the motion, together with the amendment, on the table; which was lost. Yeas 13, Nays 16.

The yeas and nays being desired; those who voted in the affirmative are, messrs President, Baylor, Dent, Foster, Hall, Hunter, Jones, McConnell, Phillips, Rodgers, Thornton, Turner and Wilson of Jackson.

Those who voted in the negative are, messrs Address, Brindley, Buford, Clarke, Creagh, Dailey, Hudson, King, McAllister, McClanahan, Oliver, Reese, Ross, Toulmin, Wilson of F. and Womack.

The question then recurred on the adoption of the amendment of **mr Creagh**, which was lost. Yeas 10, Nays 19.

Those who voted in the affirmative are, messrs Address, Brindley, Buford, Creagh, Dailey, McClanahan, Reese, Ross, Wilson of F. and Womack.

Those who voted in the negative are messrs President, Baylor, Clarke, Dent, Foster, Hall, Hudson, Hunter, Jones, King, McAllister, McConnell, Oliver, Phillips, Rodgers, Thornton, Toulmin, Turner and Wilson of J.

The report of the committee was then concurred in, and the resolution ordered to be engrossed for a third reading.

On motion of **mr Hudson** it was **RESOLVED**, that the committee on Roads, Bridges and Ferries, be instructed to enquire into the propriety of reducing the width of lanes, with leave to report by bill or otherwise.

Mr President laid before the Senate the Comptroller's report of the Alabama Life Insurance and Trust Company, the reading of which was dispensed with, and on motion it was laid upon the table.

Mr Foster offered a memorial to the Congress of the U. States, in relation to a land district in the Chrokee nation, which was read and adopted.

On motion of **mr Toulmin**, the report from the Branch of the Bank of the State of Alabama at Mobile, containing a tabular statement of the indebtedness to said bank, was taken from the table, and transmitted to the House of Representatives.

The Senate then proceeded to the consideration of the orders of the day.

A bill to be entitled an act to reduce the number, and change the mode of electing the directors of the bank of the State of Alabama and its several branches, being on its second reading, **mr Buford** offered a substitute therefor, which, together with the bill, was, on motion of **mr Jones**, postponed until Wednesday next at 11 o'clock, and made the special order for that hour.

A message was received from the House of Representatives, by **mr Cook**.

Mr President: The House of Representatives have read three several times, and passed bills, which originated in the Senate, of the following titles, to wit:

An act to appoint commissioners to superintend the sale of lots in the town of Warrenton, in the county of Marshall, and for other purposes.

An act to regulate judicial proceedings in the county court of Mobile county.

They have also read three several times, and passed bills, which originated in the House of Representatives, of the following titles, to wit:

An act to ascertain and fix a suitable site for the permanent location of the court house in Covington county, and for other purposes.

An act to run and mark out the line between the counties of Shelby and Jefferson.

An act to establish a ferry in Washington county.

An act to change the time of holding the county courts of the county of Randolph.

An act fixing the time of holding justices courts in the counties of Coosa and Autauga, and for other purposes.

An act altering the commissioners' court of roads and revenue to establish ferries on the Alabama river, in the county of Wilcox.

An act authorizing the mode of assessing and collecting the tax of Pike county; in which they ask the concurrence of the Senate.

On motion of Mr Dent the Senate then adjourned until Monday morning 11 o'clock.

MONDAY, 15th Nov. 1841.

The Senate met pursuant to adjournment.

Mr Creagh presented the petition of sundry citizens of the county of Clarke, in relation to a certain 16th section of land therein named; the reading of which was dispensed with, and on motion, referred to the committee on education.

Mr Dent presented the account of William Braley, Sheriff of Tuscaloosa county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Andress, from the select committee, to whom was referred a bill to be entitled an act to alter the 1st and 10th judicial circuits, and for other purposes; reported certain amendments as therein shewn, and thus amended, recommended its passage: the amendments were adopted, and the bill ordered to be engrossed for a third reading.

Mr Reese, from the select committee, to whom was referred a joint resolution in relation to the distribution of Aikin's Digest, reported the same back to the Senate, amended as therein shewn, and recommended its passage. The amendment was adopted by the Senate, and the resolution ordered to be engrossed for a third reading.

Mr Toulmin presented the petition from the trustees of the Life Insurance and Trust Company of Mobile, the reading of which was dispensed with, and on motion of Mr Dent, referred to a select committee; whereupon messrs Dent, Toulmin and Baylor, were appointed said committee.

Mr Toulmin introduced a bill to be entitled an act to alter and amend the charter of the Alabama Life Insurance and Trust Company, which was read and ordered to a second reading.

Mr King, from the select committee, to whom was referred the bill to be entitled an act to repeal the General Ticket system in elections for Representatives in Congress, from the State of Alabama; reported, that the committee propose amending the same, by striking out all of said bill that relates

to the repeal of the act of the called session, for a special election, and that he was instructed to ask the concurrence of the Senate.

On motion of Mr Baylor, the report, together with the bill, was ordered to lie upon the table.

Mr Hudson, from the committee on Federal relations, to whom was referred a joint resolution from the House of Representatives, to the Congress of the U. States, in relation to the lands lying in Jackson county, south of the Tennessee river, reported the same to the Senate, without amendment, and recommended its passage. The resolution was read a third time and passed.

Ordered, that the title remain as aforesaid.

Mr Baylor introduced a bill to be entitled an act to secure the bank of the State of Alabama and its several branches, from loss in discounting the bills and notes of insolvent persons; which was read, and ordered to a second reading.

Mr Baylor presented the petition of sundry citizens of this State, in behalf of John M. Cooper, which was referred to the committee on internal improvement and inland navigation.

Mr Brindley presented the petition of O. E. Sims, and others, the reading of which was dispensed with, and on motion, referred to the committee on the State Bank.

Mr Andress presented the accounts of Dixon Hester, jailor of Monroe county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

On motion of Mr King: **RESOLVED**, that with the concurrence of the House of Representatives, the two houses will assemble in the Hall of the House of Representatives, on Thursday, at 12 o'clock, for the purpose of electing a judge of the county court, for the county of Pickens.

The Senate then took up the orders of the day.

Bills from the House of Representatives of the following titles, to wit:

An act authorizing the commissioners' court of roads and revenue, to establish ferries on the Alabama river, in the county of Wilcox.

An act altering the mode of assessing and collecting the tax of Pike county.

An act fixing the time of holding justice's courts in the counties of Coosa and Autauga, and for other purposes.

An act to change the time of holding the county courts of the county of Randolph.

An act to establish a ferry in Washington county.

An act to run and mark out the line between the counties of Shelby and Jefferson.

An act to ascertain and fix a suitable site for the permanent location of the court house in Covington county, and for other purposes, were severally read, and ordered to a second reading.

A bill to be entitled an act to prohibit members of the General Assembly from recommending promissory notes and bills of exchange, was read a second time, and on motion of Mr Clarke, referred to the State Bank committee.

A joint resolution authorizing the State bank and branches to reduce the State liabilities, was read a second time, and on motion of Mr Hudson, referred to the committee on the State bank.

A bill to be entitle an act in relation to the dividend of this State in the public land fund, was read a second time, and on motion of Mr Hudson, referred to the committee on Federal relations.

A bill to be entitled an act for the benefit of Sally Partain, wife of James Partain, of Blount County, was read a second time and on motion of Mr Creagh, referred to the committee on Divorce and Alimony.

Engrossed bill to be entitled an act to authorize Norborn E. Chandler, of Sumter county, to sell goods, wares, and merchandise in said county, without license, was read a third time and passed.

Ordered, that the title of the same remain unchanged.

A bill from the House of Representatives to be entitled an act to provide for the election of a tax collector, for the county of Marshall, was read a third time and passed.

Ordered, that the title remain as aforesaid.

Engrossed bills of the following titles, to wit:

An act to fix, and permanently establish the boundaries of the 48th and 89th Regiments of Alabama militia, in the city and county of Mobile.

An act in relation to the 16th section, in township 10 of range 5, in the county of Wilcox.

An act to exempt certain persons from road duty; were severally read a third time and passed.

Ordered that the titles of the same remain as aforesaid.

Engrossed bill to be entitled an act to change the time of convening the General Assembly, was read a third time and passed. Yeas 19, Nays 6.

Those who voted in the affirmative are, Messrs President, Andres, Brindley, Buford, Clarke, Dailey, Dent, Hudson, Hunter, Jones, McClanahan, McConnell, Oliver, Phillips, Ross, Thornton, Toulmin, Wilson of F. and Wilson of J.

Those who voted in the negative are, Messrs Creagh, Foster, Hall, King, McAllister and Womack.

Ordered, that the title remain as aforesaid.

A bill to be entitled an act to provide for the removal of the seat of government, being on its third reading, it was, on motion of Mr. Dent, postponed until Monday next, 11 o'clock, and made the special order for that hour. Yeas 21, Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Messrs President, Andres, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, King, McClanahan, Oliver, Phillips, Ross, Rodgers, Thornton, Wilson of F. and Wilson of J.

Those who voted in the negative are, Messrs Dailey, Hall, McAllister, McConnell, Reese, Toulmin, Turner and Womack.

Bills of the following titles, to wit:

An act in relation to prairie roads, in the counties of Montgomery and Lowndes.

An act to regulate the salaries of the Solicitors of the first and tenth judicial circuits.

An act to fix permanently the line between the counties of Jackson and DeKalb.

An act dispensing with protests and notice on bills of exchange and prom-

issory notes, when the paper is owned by the banks, were each read a second time, and ordered to be engrossed for a third reading.

A joint resolution in relation to the reports of the decisions of the Supreme Court of the State of Alabama, was read a second time, and ordered to be engrossed for a third reading.

A bill from the House of Representatives to be entitled an act to authorise the circuit court of Butler county, to remain in session two weeks, at its March term, 1842, was read a third time, and passed.

Ordered that the title of the same remain unchanged.

Engrossed bill to be entitled an act to secure more speedily, the collection of debts against incorporations, was read a third time, and passed. Yeas 15, Nays 13.

Those who voted in the affirmative are, Messrs President, Baylor, Buford, Clarke, Creagh, Foster, Hudson, Jones, McClanahan, McAllister, McConnell, Rodgers, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are, Messrs Address, Brindley, Dailey, Hall, Hunter, King, Oliver, Phillips, Reese, Ross, Thornton, Toulmin and Turner.

Ordered, that the title remain as aforesaid.

Engrossed bill to be entitled an act to change the mode of assessing and collecting the taxes for the county of Jackson, was read a third time.

Mr Jones moved to refer the bill to a select committee, which was lost.

Mr Buford offered an amendment, by way of engrossed ryder, which was adopted, and the question was then taken on the passage of the bill, and carried.

Ordered that the title remain as aforesaid.

Joint resolutions of the General Assembly of the State of Alabama, concerning purchasers of 16th sections, was read a third time, and on motion of Mr Creagh, ordered to lie upon the table.

A bill to be entitled an act allowing compensation to certain persons, was read a third time, and passed. Yeas 21; Nays 8.

Those who voted in the affirmative are, Messrs President, Address, Baylor, Brindley, Clarke, Creagh, Hall, Hudson, Hunter, Jones, King, McAllister, McConnell, Oliver, Ross, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are, Messrs Dailey, Dent, Foster, McClanahan, Phillips, Reese, Rodgers and Wilson of F.

Ordered, that the title of the bill remain unchanged.

Joint resolutions of the General Assembly of the State Alabama, in relation to an act of the Congress of the U. States, entitled an act to distribute the proceeds of the sales of the public lands, and to grant pre-emption rights to settlers, approved September 4th 1841, was read a second time, and motion of Mr Baylor, referred to the committee on federal relations.

A joint resolution in relation to the salary of the Warden and deputy Warden of the Penitentiary, was read a third time and passed.

Ordered that the title of the same remain as aforesaid.

A message was received from his Excellency, the Governor, by Mr J. D. Bagby, his private secretary.

SIR: I have the honor to lay before the Senate, the accompanying communication from the Hon. C. C. Clay, resigning his seat in the Senate of the United States.

A. P. BAGBY.

Hon. NATHANIEL TERRY, President of the Senate.

The accompanying communication was read, and on motion of Mr Hudson, ordered to lie upon the table.

Mr Turner moved to print five hundred copies thereof.

Mr Terry, to print two thousand copies.

Mr Wilson of J. called for a division of the question; which was taken on printing. Yeas 14—Nays 15.

Those who voted in the affirmative are messrs President, Baylor, Brindley, Clarke, Creagh, Foster, McClanahan, McAllister, McConnell, Rodgers, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative are messrs Address, Buford, Dailey, Dent, Hall, Hudson, Hunter, Jones, King, Oliver, Phillips, Reese, Ross, Thornton and Womack.

So the House refused to print.

Mr Hudson moved to have it spread upon the journal of the Senate; which was carried. Yeas 20—Nays 9.

Those who voted in the affirmative are messrs President, Baylor, Brindley, Clarke, Creagh, Dent, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Rodgers, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative are messrs Address, Buford, Dailey, Hall, Hunter, King, Ross, Thornton and Womack.

The following is the communication above alluded to:

HUNTSVILLE, Nov. 12, 1841.

SIR: I am constrained by circumstances of a personal and domestic nature, which cannot consistently be disregarded, to retire from the public service.— You will please accept this as the resignation of my seat in the Senate of the United States. I have for some time past apprehended that circumstances beyond my control would compel me to adopt this course; and have frequently expressed my apprehension to friends—more especially since my last return from the seat of the General Government. It seemed, however, to be the general wish of those with whom I have communicated, that I should postpone a determination on the subject, as long as might be consistent with the public interest, under the hope, kindly expressed, that a favorable change might enable me to continue in the discharge of my public duties. But the time for decision has arrived; no such change has occurred, and I am compelled to yield to obligations which cannot be cancelled.

I have been long in the public service. It has been my good fortune to have been cheered and sustained throughout by the approving voice of an enlightened, confiding and generous constituency. Whatever changes of political sentiment, or principle, may have taken place elsewhere; and notwithstanding the agitation and excitement which have sometimes prevailed around her, Alabama has never wavered nor faltered: she has stood firmly and immovably by the Republican Faith. She is now where she has ever been.

Yielding to none in the integrity of her political character, the zealous maintenance of her constitutional rights, or her devotion to the cause of popular liberty. The change of relations which is about to take place, inspires me with painful emotions. Under more auspicious circumstances, I should be proud to serve her, as long as I could consistently reflect her sentiments in the national councils.

However, the regret I should otherwise feel for the necessity which imposes on me the course I am about to pursue, is much diminished by the consideration that the principles which it has been my pride and pleasure to sustain throughout my public life, are now in the ascendant. Indeed, were it otherwise, I know not to what sacrifice of feeling as well as interest, I would not submit sooner than withdraw from them my humble support. Although not in power, the Democratic party never was stronger than at the present moment. The people have already detected and passed sentence of condemnation on the frauds by which they were deceived and misled during the last Presidential canvass. They have arisen in the majesty of their strength, and the reaction has been overwhelming from one end of the Union to the other; they have again demonstrated their capacity for self government, and will I trust, never hereafter be defrauded of their suffrages by the ill-omend alliance of parties contending for power without any common principle, and without any avowed system of measures.

To insure the permanent ascendancy of democratic principles, it is only necessary for the people of this quarter of the Union to understand and appreciate the prophetic truth of Mr Jefferson's declaration, that the democracy of the north is the natural ally of the south. To do this, let them but review so much of the executive journal of the late extra session as has been permitted to see the light, and they will there find that the nominations of abolitionists of the most obnoxious characters, were confirmed by the votes of the southern whig Senators, when every northern democrat in his place voted against them.

These and other developements, have conclusively established the charge long since preferred, that a coalition had been formed between southern whig Senators, (not the party generally) and the abolitionists, as well as the federalists of the north.

This extraordinary alliance suggested by the most unprincipled ambition, and consummated by the vilest treachery, should be dissolved. Its dissolution is no less indispensable to the perpetuity of the Union, than it is to the safety of the South.

Although about to retire from their service, my gratitude to the people of Alabama, for the many evidences of their confidence, with which they have honored me, can only terminate with my existence; nor can I ever cease to feel the liveliest interest in the well earned fame of our beloved State, and the deepest solicitude for her prosperity. And though but a private citizen, my faith in the republican creed is unchanged, and unshaken, and I shall ever be found ready to co-operate with my fellow citizens in the support of the principles I have hitherto maintained.

With great respect,

I am, sir, your ob't serv't,

C. C. CLAY.

To His Excellency, the Governor of Alabama, Tuscaloosa.

On motion of **MR HUDSON**: **RESOLVED**, that with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House of Representatives, on Friday the 19th instant, at 12 o'clock, for the purpose of electing a Senator to the Congress United States, to fill the vacancy occasioned by the resignation of the Hon. C. C. Clay.

On motion of **MR TURNER**: **RESOLVED**, that the committee on retrenchment be instructed to inquire into the expediency of reducing the per diem pay of members elected to the General Assembly of the State of Alabama, when absent from either House, unless unable to attend from indisposition, for a longer time than three days at any one period during the sitting of the Legislature, with leave to report by bill or otherwise.

Mr Buford introduced a bill, to be entitled an act to change the summer term of Barbour county court, which was read and ordered to a second reading.

Mr Dent introduced a bill, to be entitled an act to change the present mode of electing justices of the peace, which was read and ordered to a second reading.

The Senate then on motion of **MR WILSON** of Jackson, adjourned until tomorrow morning 10 o'clock.

° TUESDAY, Nov. 16, 1841.

The Senate met pursuant to adjournment.

Mr McConnell from the committee on county boundaries, to whom was referred joint resolutions in relation to the county of Cherokee.

Also, the petition of sundry citizens of Benton county, reported the resolutions back to the Senate and recommended their passage. The resolutions were placed among the orders of the day.

Mr Dent introduced a bill, to be entitled an act to compensate **William Braly**, sheriff of Tuscaloosa county; which was read and ordered to a second reading.

Mr Baylor from the committee on education, to which was referred a bill to be entitled an act to authorise the relinquishment of 16th sections in certain cases, reported the same back to the Senate, amended as therein shewn, and thus amended, recommended its passage.

Mr Reese moved to amend the amendment proposed by the committee, by striking out the words "four-fifths" where it occurs in the said amendment: which was lost.

Mr Buford moved to amend, by adding after the words "four-fifths" being heads of families and otherwise qualified voters; which was adopted.

Mr Dailey moved further to amend, by adding the following: "Provided, it is shewn that the purchasers are insolvent;" which was lost.

The question was then taken on concurring in the report of the committee amended as above stated; which was carried.

On motion of **MR CREAGH**, the bill was further amended by an additional section as therein shewn. The question was then taken on ordering the bill to be engrossed; which was lost. Yeas 13—Nays 15.

Those who voted in the affirmative, are, messrs **President, Baylor, Brindley, Clarke, Creagh, Dent, Foster, Hudson, King, McAllister, McConnell, Wilson** of F., and **Wilson** of J.

Those who voted in the negative, are, messrs **Andress, Buford, Dailey, Hall, Jones, McClanahan, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Turner and Womack.**

Mr Baylor from the same committee, to whom was referred the petition of sundry citizens of Benton county in behalf of William Raiford and R. R. Chilton, reported a bill for their relief, entitled an act in relation to certain school lands in Talladega, purchased by F. Hall, which was read a first time and ordered to a second reading.

Mr Baylor from the same committee, to whom was referred the petition of sundry citizens of the county of Franklin, in behalf of John A. Bullock, Thomas Miller and Robert Cochran, reported that it was inexpedient to legislate upon the subject, inasmuch as the relief sought by them will be afforded in a general bill, reported by said committee.

On motion of Mr Hudson, the petition was recommitted to the committee on education.

Mr Toulmin presented the account of William McGee, sheriff of Mobile county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Baylor introduced a bill, to be entitled an act to prevent a sacrifice of real estate; which was read a first time.

Mr Hudson moved to suspend the constitutional rule for the purpose of giving the bill a second reading forthwith; which was lost. The bill was then ordered to a second reading.

On motion of Mr King: **RESOLVED**, that with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House, on Saturday next, at half past 11 o'clock, A. M. for the purpose of electing a Solicitor for the 7th judicial circuit.

Mr Oliver from the committee on education, to which was referred the resolution in relation to the 240 copies of the printed returns of the sixth census, of the people of the United States, reported a bill to distribute the same throughout the State, which was read and ordered to a second reading.

On motion of Mr Creagh, the joint resolutions of the General Assembly concerning the purchasers of 16th sections, was taken from the table, and on motion of Mr Creagh, another section was added thereto by way of an engrossed rider. The resolutions as amended passed the Senate.

Ordered, that the title of the same remain as aforesaid.

Engrossed bill, to be entitled an act to alter the first 1st and 10th judicial circuits and for other purposes, was read a third time and passed.

Ordered, that the title remain as aforesaid.

Engrossed joint resolutions in relation to the exchange of Porter's Reports for Aiken's Digest of the laws of this State, was read a third time and passed.

Ordered, that the title of the same remain as aforesaid.

A bill, to be entitled an act to alter and amend the charter of the Alabama life insurance and trust company of Mobile, was read a second time and on motion of Mr Toulmin, was referred to the select committee, to whom was referred the petition from the directors of said company on the same subject. The committee consists of messrs Dent, Toulmin and Baylor.

A bill, to be entitled an act better to secure the bank of the State of Alabama and its several branches from loss in discounting the bills and notes of insolvent persons, was read a second time.

Mr Buford offered an additional section thereto, which together with the bill, was on motion of Mr Hudson, referred to the committee on the judiciary.

Engrossed bill from the House of Representatives, to be entitled an act au-

authorising the commissioners court of roads and revenue to establish ferries on the Alabama river, in the county of Wilcox, was read a second time, and on motion of Mr Baylor, referred to the committee on roads, bridges and ferries.

Engrossed bill from the House of Representatives, to be entitled an act altering the mode of assessing and collecting the taxes of Pike county, was read a second time and ordered to a third reading.

A bill from the House of Representatives, to be entitled an act, fixing the time of holding justices courts in the counties of Coosa and Autauga, was read a second time, and on motion of Mr Hall, ordered to lie upon the table.

Bills from the House of Representatives of the following titles, to wit:

An act to ascertain and fix a suitable site for the permanent location of the court-house in Covington county, and for other purposes.

An act to run and mark out the line between the counties of Shelby and Jefferson.

An act to establish a ferry in Washington county, and

An act to change the time of holding the county courts of the county of Randolph; were severally read a second time and ordered to a third reading.

Engrossed bills of the following titles to wit:

An act to ascertain and fix permanently the line between the counties of Jackson and DeKalb.

An act dispensing with protest and notice in certain cases.

An act to regulate the salaries of the Solicitors of the 1st and 10th judicial circuits, and

An act in relation to prairie roads in the counties of Montgomery and Lowndes, were severally read a third time and passed.

Ordered, that the titles of the same remain as aforesaid.

Joint resolutions, in relation to the Reports of the decisions of the supreme court of the State of Alabama, were read a third time and passed.

Ordered, that the title remain as aforesaid.

A bill, to be entitled an act to change the summer term of Barbour county court; was read a second time and ordered to be engrossed for a 3d reading.

A bill, to be entitled an act to change the present mode of electing justices of the peace; was read a second time, and on motion of Mr Dent, ordered to lie upon the table.

Mr Jones from the committee on education, to whom was referred so much of the Governor's message as relates to the repeal of the law appropriating two hundred thousand dollars in aid of valueless 16th sections; reported a bill, to be entitled an act to raise a school fund to aid valueless 16th sections in this State; which was read a first time and ordered to a second reading. Yeas 19—Nays 10.

Those who voted in the affirmative, are, messrs President, Andress, Baylor, Clarke, Creagh, Dent, Hudson, Hunter, Jones, King, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Wilson of F., and Womack.

Those who voted in the negative, are, messrs Brindley, Buford, Dailey, Foster, Hall, McAllister, McClanahan, McConnell, Rodgers and Wilson of J.

Mr Turner from the committee on roads, bridges and ferries, to whom was referred a bill to authorise the commissioners court of roads and revenue, to establish ferries on the Alabama river, in the county of Wilcox; reported the same back to the Senate and recommended its passage. The bill was read a third time and passed.

Ordered, that the title remain as aforesaid.

Joint resolutions in relation to the county of Cherokee, were read a second time.

Mr Baylor moved to strike out the third section, which was lost.

The question was then taken on ordering the resolutions to be engrossed for a third reading, which was carried. Yeas 18—Nays 10.

Those who voted in the affirmative, are, messrs President, Address, Brindley, Buford, Dent, Foster, Hall, Hunter, McAllister, McConnell, Oliver, Phillips, Ross, Thornton, Turner, Wilson of F., Wilson of J., and Womack.

Those who voted in the negative, are, messrs Baylor, Clarke, Creagh, Dailey, Hudson, Jones, McClanahan, Reese, Rodgers and Toulmin.

Mr Oliver introduced a bill, to be entitled an act in relation to the establishment of and discontinuance of roads, which was read and ordered to a second reading.

On motion of Mr Phillips, the Senate then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, NOV. 17, 1841.

The Senate met pursuant to adjournment.

Mr Hudson from the committee on accounts and claims, to whom was referred the account of John H. Lewis and George Cox; reported, that in the opinion of the committee, the same was not properly a State charge and therefore ought not to be allowed; in which the Senate concurred.

Mr Toulmin from the committee on the State bank, to whom was referred the petition of O. L. Sims, J. Chaney and John Smiley; reported, that it was inexpedient to legislate upon the subject.

On motion of Mr Brindley, the report was ordered to lie upon the table.

Mr Brindley then asked to withdraw the petition, which was granted.

Mr Hudson from the committee on accounts and claims, to whom was referred the account of Boliver Smith, and M. E. Handy, reported the same back to the Senate, as not being properly authenticated, and therefore asked leave to be discharged from the further consideration thereof, in which the Senate concurred.

On motion of Mr Hall, the account was withdrawn.

Mr Toulmin from the committee on the State bank, to whom was referred a joint resolution authorising the State bank and branches to reduce the State liabilities, reported the same back to the Senate and recommended its passage. The bill was then placed among the orders of the day.

Mr Toulmin from the committee on the State bank, to whom was referred a bill to be entitled an act to prohibit members of the General Assembly from recommending promissary notes and bills of exchange, reported the following amendment, to come in after the word Assembly, to wit: "knowing them to be such." Also an additional section as therein shewn.

On motion of Mr King, the vote was taken on concurring in the first amendment proposed by the committee; which was lost.

The second amendment was concurred in by the Senate, and the bill ordered to be engrossed for a third reading.

Mr Baylor from the committee on the State bank, to which was referred a resolution instructing them to enquire into the expediency of passing a law authorising the President and directors of the several banks, to make the best possible arrangement in settling the old suspended debt of said banks; report-

ed a bill to be entitled an act better to secure the collection of the suspended debt of the bank of the State of Alabama and its several branches; which was read a first time.

Mr Dent moved to suspend the constitutional rule requiring bills to be read on three several days; which was carried. The bill was then read a second time.

On motion of Mr Dent, one hundred and thirty-three copies of the bill were ordered to be printed.

Mr Toulmin, chairman of the committee on the State bank, reported that in obedience to a resolution of the Senate on that subject, he had corresponded with the cashier of the bank of the State of Alabama, and the cashiers of the several branch banks thereof, in relation to the salaries paid the different officers of said bank and branches during the year 1841, and had received an answer from each of said cashiers; which was submitted to the Senate for their consideration.

The communications were severally read, and on motion of Mr. Hudson, ordered to lie on the table.

A message was received from the House of Representatives.

Mr President: The House of Representatives concur in the resolution of the Senate, proposing to go into the election of a judge of the county court of Pickens county.

The hour of 11 o'clock having arrived, the Senate took up the special order of the day, it being a bill to reduce the number and change the mode of electing the directors of the bank of the State of Alabama, and its several branches—together with the amendment of Mr Buford thereto.

On motion of Mr McConnell, the special order was suspended.

Mr McConnell offered the following resolution:

Resolved, that with the concurrence of the House of Representatives, the two houses will assemble in the hall of the House, on Monday the 22d inst. at 12 o'clock, for the purpose of inaugurating the Governor elect; which, on motion Mr McClanahan, was ordered to lie upon the table.

On motion of Mr Hudson: **RESOLVED**, by the Senate, that the cashier of the branch bank of the State of Alabama at Mobile, be requested to furnish forthwith, a copy of the whole proceedings of the present board of directors, relative to the agreement to purchase the bills of Franklin Shaw, to be drawn on England and New York, the names of directors then present, when such bills were purchased, and who absent, upon whom drawn and accepted, the endorsers or securities to the same, the date that each bill so taken, the amount paid at maturity, the amount protested, the amount unpaid at this time, and how secured.

On motion of Mr McClanahan: **RESOLVED**, that a committee be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to wait on the Governor elect, and know of him at what time it will suit his convenience to be inaugurated; whereupon messrs McConnell, McClanahan and Hudson, were appointed said committee.

On motion of Mr Hudson, the Senate then resumed the consideration of the special order.

The amendment heretofore offered by Mr Buford, being under consideration; which was rejected by the Senate.

Mr Phillips offered the following amendment, to come in at the end of the second section, to wit: "and in all elections made in pursuance of this act a majority of two-thirds of those voting, shall be necessary to a choice."

Also, an additional section to said bill.

Mr Baylor moved to postpone the bill together with the amendment, until Friday next, and make it the special order for that day, at 11 o'clock.

Mr Buford offered another amendment, which was declared by Mr President to be out of order, from which decision Mr Buford took an appeal to the Senate. The question was then put, "Shall the decision of the chair remain as the sense of the Senate, which was decided in the affirmative.

The question then recurred on Mr Baylor's motion to postpone, which prevailed.

The Senate then took up the regular orders of the day.

A bill, to be entitled an act in relation to certain school lands in Talladega purchased by F. Hall, was read a second time, and ordered to be engrossed for a third reading.

A bill, to be entitled an act to compensate William Braley, sheriff of Tuscaloosa county, was read second time and on motion of Mr Dent, referred to the judiciary committee.

A bill, to be entitled an act to prevent a sacrifice of real estate, was read a second time, and on motion of Mr Baylor, referred to the committee on the judiciary.

A bill, to be entitled an act to distribute the two hundred and forty copies of the printed returns of the 6th census of the people of the United States, was read a second time.

Mr Reese offered an additional section, which was adopted.

The bill as amended, was then on motion of Mr McConnell, referred to a select committee; whereupon messrs Reese, Dent and McConnell, were appointed said committee.

Bills from the House of Representatives of the following titles, to wit:

An act altering the mode of assessing and collecting the tax of Pike county.

An act to change the time of holding the county courts of the county of Randolph.

An act to establish a ferry in Washington county.

An act to run and mark out the line between the counties of Shelby and Jefferson, and

An act to ascertain and fix a suitable site for the permanent location of the court house in Covington county, and for other purposes, were severally read a third time and passed.

Ordered, that the titles of the same remain as aforesaid.

Engrossed bill, to be entitled an act to change the time of holding the summer term of Barbour county court, was read a third time and passed.

Ordered, that the title of the same remain as aforesaid.

Joint resolutions in relation to the county of Cherokee, were read a third time, and on motion of Mr Baylor recommitted to a select committee, with the following instructions:

Amend, so that the county of Cherokee be liable to pay all the expenses of surveying said county, and that in the event of the attachment of any portion of the county of Benton to the county of Cherokee, that the citizens at this

time residing on said territory, shall be exempt from payment of taxes for the purpose of erecting the public buildings of said county.

A bill, to be entitled an act to repeal an act to raise a school fund in aid of valueless 16th sections, was read a second time, and on motion of Mr Hudson, postponed until Monday next.

A bill to be entitled an act in relation to the establishment of and discontinuance of roads, was read a second time, and on motion of Mr McClanahan, referred to the committee on roads, bridges and ferries.

Joint resolutions authorising the State bank and branches to reduce the State liabilities, were read a second time, and ordered to be engrossed for a third reading.

The orders of the day being disposed of, Mr Dent, presented the account of William Braly, sheriff of Tuscaloosa, the reading of which was dispensed with, and on motion, referred to the judiciary committee.

On motion of Mr Turner: **RESOLVED**, that the committee on the State bank be instructed to inquire into the expediency of passing a law preventing any extra pay being allowed any cashier, clerk, agent, or bank attorney in the bank of the State of Alabama or any of its branches, and should any extra allowance be made by any of the boards of directors of the bank of the State of Alabama or its several branches, such boards of directors or those voting for such allowance, shall be held responsible and liable for the same in law, but if in the opinion of any board of directors of the State bank or branches any extra allowance should be made any cashier, clerk, agent or bank attorney, the same shall be reported to the next meeting of the General Assembly, with instructions to report by bill or otherwise.

Mr Hall, from the committee on the penitentiary, to whom was referred a resolution instructing them to inquire into the expediency of repealing the 4th section of the 14th chapter of a bill entitled an act to regulate punishments under the penitentiary system, reported that it was inexpedient to legislate on the subject.

Mr Dailey moved to disagree to the report of the committee.

Mr Jones moved to lay on the table; which was lost.

The question then recurred on disagreeing; which was lost.

On motion of Mr Reese, the Senate then adjourned until to-morrow morning 10 o'clock.

THURSDAY, Nov. 18, 1841.

The Senate met pursuant to adjournment.

Mr William J. Alston, Senator from Marengo, appeared in the Senate chamber and took his seat.

Mr Reese presented sundry documents in relation to Mr Cooper's contract on McGrews Shoals, the reading of which was dispensed with, and on motion referred to the committee on internal improvement and inland navigation.

Mr Dent presented the petition of John G. Pearce and others; which was read, and on motion of Mr Dent, referred to the committee on county boundaries.

Mr Brindley presented the petition of sundry citizens of Blount county, the reading of which was dispensed with, and on motion referred to the committee on education.

Mr Brindley presented the account of John H. Henderson of Blount county.

ty, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr McConnell presented the account of George Dickey, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr Toulmin, from the committee on the State bank, to whom was referred a resolution instructing them to inquire into propriety of setting apart \$500,000 of the capital stock of the branch of the bank of the State of Alabama at Decatur, as a sinking fund, &c. reported that the subject matter of this resolution is embraced in a bill now before the Senate.

On motion of Mr Hudson, the report was ordered to lie upon the table.

Mr Toulmin, from the same committee, to whom was referred a preamble and joint resolution in relation to the securities and endorsers of George Swink and others, reported that it was inexpedient to legislate further on the subject than is embraced now before the Senate. The committee therefore asked leave to be discharged from the further consideration of the subject.

On motion of Mr Wilson of J., the report, together with the resolutions, was ordered to lie upon the table.

Mr Toulmin, from the same committee to whom was referred so much of the Governor's message as relates to the State bank and its several branches, reported that the subjects referred to are now before the Senate.

On motion of Mr Hudson, the report was ordered to lie upon the table.

Mr Toulmin, from the same committee to whom was referred so much of the Governor's message as relates to a sinking fund, reported that the subject referred to was embraced in a joint resolution now before the Senate. The report, on motion of Mr Wilson of J., was laid upon the table.

Mr Toulmin, from the same committee, to whom was referred a resolution instructing them to inquire into the expediency of liquidating the affairs of the State bank and its several branches, reported that it was inexpedient to legislate further on the subject than was embraced in a bill now before the Senate: in which the Senate concurred.

Mr Reese, from the committee on internal improvement and inland navigation, to whom was referred a bill to be entitled an act to declare Bear creek a public highway, reported the same back to the Senate without amendment and recommended its passage. The bill was read a third time and passed.

Ordered, that the title of the bill remain as aforesaid.

Mr Jones, from the select committee to whom was referred a bill to be entitled an act to amend and explain an act for the relief of Elizabeth Morris, approved 9th January, 1836, reported the same back to the Senate without amendment, and recommended its passage.

Mr Hudson moved to postpone the further consideration of the bill until Thursday next, and make it the special order of the day for 11 o'clock; which was lost.

Mr Baylor moved to strike out all the enacting clause, and insert in lieu thereof, the following:

"That all the estate, both real and personal, of which James D. Wilson, of the county of mobile, died seized or possessed, shall pass to the widow, heirs, or other legal representatives of the said James D. Wilson, in the same manner as if the said Wilson had been a naturalized citizen of the United States.

And be it further enacted, that such persons as would have been capable

in law of inheriting the estate of the said Wilson, who are now citizens of the State of Alabama, shall take the same in such manner as if they had have been naturalized citizens of the United States at the decease of said Wilson."

Mr Jones moved to lay the bill, together with the amendment, on the table; which was lost.

The question then recurred on the adoption of Mr Baylor's amendment; which was lost.

Mr Thornton offered the following amendment, to wit: "Provided that nothing in this act shall be so construed as to prevent Mrs Wilson, the widow of the said James D. Wilson, or those claiming under her, from holding and enjoying one half of the estate of the said James D. Wilson, so purchased.

A message was received from the House of Representatives by Mr Tunstall, inviting the Senate into the hall of the House for the purpose of going into the election of a judge of the county court for the county of Pickens.

Whereupon the Senate repaired to the hall of the House and were seated.

Mr President announced the object of the meeting of the two Houses.

The two Houses then proceeded to the election of a judge of the county court of the county of Pickens.

HENRY STITH and SAMUEL B. MOORE being in nomination.

Those who voted for Mr Stith, are messrs Alston, Address, Buford, Clarke, Creagh, Dailey, Dent, Hunter, Jones, King, McClanahan, Oliver, Phillips, Reese, Ross, Thornton, Turner, Watrous, and Womack of the Senate; and messrs Alexander of Lowndes, Allen, Barker, Barron, Bradley, Broughton, Chiles, Cochran, Covington, Crenshaw, Crawford, Davis of B., Davis of L., Ford, Gresham, Griffin of S., Harris, Haughton, Heflin, Henry, James, Jones of Con. Jefferson, Justice, Kennedy, Kidd, Mason, B. McAlpin, R. McAlpin, S. McAlpin, McLemore, McLeod, Mitchell, Moore, Moors, Mundy, Norris, Norwood, Phillips, Rice, Rhodes, Rushing, Scott, Smith of T., Spruill, Storrs, Strode, Stinson, Troup, Valliant, Walker, of Law, Wallace, Ware, Woodward, Yancey and Young, of the House—75.

Those who voted for Mr Moore, are messrs President, Baylor, Brindley, Foster, Hudson, McAllister, McConnell, Rodgers, Toulmin, Wilson of F. and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Armbrister, Bishop, Burleson, Cain, Clemens, Davenport, Fletcher, Gardner, Garland, Griffin of J. Griffin of M. Hammond, Henslee, Hogan, Houston, Hunter, Jones of Cov. Jones of M. Jemison, King, Marchbanks, McAllister, McMillion of B., McMillion of J., Morgan, Musgrove, Norman, Perkins, Randolph, Reynolds, Rodgers, Smith of J. Smith of Laud. Steele, Walker of B., Taylor, Winston, and Wynn of the House.—51.

Mr Stith having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court of Pickens county, for the term of six years.

The Senate then withdrew to their chamber. Mr President resumed the chair, and proceeded to business.

The amendment of Mr Thornton to the bill for the relief of Elizabeth Morris, still being under consideration, the vote was taken thereon by yeas and nays, and the amendment rejected.

Those who voted in the affirmative are messrs Alston, Address, Buford, Creagh, Dailey, Hunter, McConnell, Oliver, Phillips, Thornton, Toulmin, Watrous, Wilson of J., and Womack—14.

Those who voted in the negative are, messrs President, Baylor, Brindley, Clarke, Dent, Foster, Hudson, Jones, King, McAllister, McClanahan, Reese, Ross, Rodgers, Turner and Wilson of F.—16.

Mr Buford offered the following proviso to said bill, to wit: "Provided that those who subsequently to said James D. Wilson's death may have made valuable and permanent improvements on the lands of said Wilson, or lands held by him under claim of title, or their heirs or assigns, shall be entitled to a lien to the extent of the present value of such improvements, considered apart from the lands; which was also rejected.

The bill was then ordered to be engrossed for a third reading.

A message was received from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have rejected the bill from the Senate to prevent the shooting or killing of deer during certain seasons of the year in Limestone county.

The House of Representatives have adopted the following resolution:

Be it resolved, that a committee of five be appointed by this House, one of whom shall visit the branch bank at Decatur, one the branch bank at Huntsville, one the branch bank at Montgomery, one the branch bank at Mobile, and one the bank at Tuscaloosa—whose duty it shall be to investigate fully the several matters specified in the preamble to these resolutions, and report to this body as early as practicable.

Be it further resolved, that the Senate be requested to appoint an equal number from that body to act with the committee appointed by the House.

Whereupon messrs Clemens, Jemison, Walker of L. Young and R. McAlpin, were appointed said committee on the part of the House.

On motion of Mr Hudson, the message was ordered to lie upon the table.

Mr Foster, from the select committee to whom was referred the joint resolution in relation to a survey of the county of Cherokee, with certain instructions, made the following report in conformity with said instructions, to wit: "Strike out the fifth resolution and insert the following.

Be it further resolved, that the expenses attendant on the execution of the provisions herein contemplated, shall be paid by the county of Cherokee.

Be it further resolved, that in the event of the attachment of any portion of the county of Benton to the county of Cherokee, that the citizens at this time residing in the territory, shall be exempt from paying taxes for the purpose of erecting the public buildings of said county of Cherokee; the amendments were concurred in by the Senate.

The question was then taken on the passage of the resolution as amended, by yeas and nays.

Those who voted in the affirmative are, messrs President Brindley, Dent, Foster, Hunter, King, McAllister, McConnell, Oliver, Phillips, Ross, Thornton, Turner, Watrous, Wilson of F. Wilson of J. and Womack—17.

Those who voted in the negative are, messrs Andress, Baylor, Clarke, Cragh, Dailey, Hudson, Jones, McClanahan, Reese, Rodgers and Toulmin—11.

The resolutions not having received the constitutional majority of two thirds, were declared by Mr President not to have passed.

Mr Dent made the following report:

The select committee to which was referred the annual report of the Comptroller, have had the same under consideration, and the committee have instructed me to report, that they have examined the account and find that the

Comptroller has been in every instance fully authorised to issue his warrant on the Treasurer, for the amounts set forth in his report. Although the committee are fully satisfied that the amount paid James N. Hayden of four hundred dollars, should not have been paid, it having been rejected by the legislature, which will be more fully shown by the examining committee appointed to examine the Comptroller's and Treasurer's offices, when they shall have made their report. The committee therefore ask leave to be discharged from the further consideration of the subject; in which the Senate concurred.

Mr Reese, from the select committee to whom was referred a bill distributing the returns of the sixth census of the people of the United States, reported an additional section to said bill, as therein shewn, and thus amended, recommended its passage.

The amendment was concurred in by the Senate.

Mr Phillips moved further to amend, by adding after the word "State," in the 1st section, these words: "to be kept for the use of their respective counties;" which was adopted.

The bill was then ordered to be engrossed for a third reading.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed joint resolutions authorising the State bank and branches to reduce the State liabilities, were read a third time and passed.

Ordered, that the title remain as aforesaid.

Engrossed bill to be entitled an act to prohibit members of the general assembly from recommending promissory notes and bills of exchange for discount, was read a third time and passed. Yeas 25—Nays 5.

Those who voted in the affirmative are messrs President, Alston, Baylor, Buford, Clarke, Creagh, Dailey, Dent, Foster, Hudson, Jones, King, McAllister, McClanahan, McConnell, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are messrs Address, Brindley, Hunter, Reese and Watrous.

Ordered, that the title remain as aforesaid.

Engrossed bill to be entitled an act in relation to certain school lands in Talladega, purchased by F. Hall, was read a third time and passed.

On motion of Mr Buford, the caption of the bill was amended by adding after the name of F. Hall, that if B. R. Chilton.

The orders of the day being disposed of, Mr Oliver's motion to reconsider the vote refusing to order the bill to be entitled an act authorising the relinquishment of 16th sections in certain cases, to be engrossed for a third reading, came up for consideration, and was decided in the affirmative.

On motion of Mr Creagh, the vote taken on the adoption of the amendment heretofore offered by himself as an additional section to said bill, was reconsidered. The question was then taken on the adoption of said amendment; which was lost.

Mr Wilson of F. offered the following amendment to said bill, to wit: Provided any persons claiming the provisions of this act should not be entitled to receive any of the principal or interest, which may have been paid on any 16th section, by him or them.

On motion of Mr Wilson of F. the Senate then adjourned until to-morrow morning 10 o'clock.

FRIDAY, NOV. 19, 1841.

The Senate met pursuant to adjournment.

Mr Watrous presented the petition of sundry citizens of Bibb county, the reading of which was dispensed with, and on motion referred to the committee on county boundaries.

Mr Hudson, from the committee on federal relations, to whom was referred joint resolutions of the general assembly of Alabama, in relation to an act of the Congress of the United States, entitled an act to distribute the proceeds of the sales of the public lands, and to grant pre-emption rights to settlers, approved Sept. 14, 1841, reported the same back to the Senate, with a recommendation to strike out the 1st resolution.

Mr Hudson moved to disagree to the report of the committee.

Mr Hunter moved to postpone the further consideration of the whole subject until Monday week, which was lost.

Mr Buford, to postpone until next Wednesday, and make it the special order for 11 o'clock of that day, which was carried.

Mr Hudson from the same committee to whom was referred a bill to be entitled an act to accept the two per cent. fund, reported the same back to the Senate without amendment, and recommended its passage.

On motion of Mr Hudson, the further consideration of the bill, was postponed until Tuesday next, and made the special order for 11 o'clock.

Mr Thornton, from the judiciary committee, to whom was referred a bill to be entitled an act to compensate William Braly, Sheriff of Tuscaloosa county, reported a substitute therefor, which was adopted by the Senate, and ordered to be engrossed for a third reading.

Mr Thornton, from the same committee, to whom was referred an act to alter the mode of assessing and collecting the taxes of Limestone county, reported the same back to the Senate, and recommended its passage. The bill was placed among the orders of the day.

Mr Thornton, from the same committee, to whom was referred a resolution, instructing them to inquire into the expediency of passing a law, exempting all public officers from any liabilities for official conduct, unless prosecuted within ten years after the expiration of their office, reported, that it was inexpedient to legislate on the subject; in which the Senate concurred.

Mr McClanahan, from the committee on the part of the Senate, appointed to act with such committee as might be appointed on the part of the House of Representatives, to wait on the Governor elect, and ascertain from him, at what time it would suit his convenience to take the oaths of office, reported, that the committee had performed the duty assigned them, and received for answer, that he would be prepared to take the necessary oaths of office on Monday the 22nd instant, which report was laid upon the table.

On motion of Mr Hudson the bill to be entitled an act, better to secure the collection of the suspended debt of the bank of the State of Alabama and its branches, was taken from the table and placed among the orders of the day.

Mr Buford presented the account of B. W. Hodges, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

A message was received from the House of Representatives by Mr Cooke.

Mr PRESIDENT: The House of Representatives have read three several

times and passed joint resolutions, which originated in the Senate, in relation to the salary of the Warden and deputy Warden of the Penitentiary; and have amended the same as therein shewn, in which amendments they ask the concurrence of the Senate.

They concur in the resolution from the Senate, appointing a committee to wait on his Excellency, the Governor elect, and know of him when it will suit his convenience to take the oaths of office.

Whereupon, Messrs Reynolds, Young and Morgan, were appointed said committee.

They have also adopted the following resolution:

RESOLVED, with the concurrence of the Senate, that a committee be appointed to act with such committee as may be appointed on the part of the Senate, in making appropriate arrangements for the inauguration of the recently elected Governor, at such time as may be agreed to by him and the present Governor, and that said committee be authorized to invite the co-operation of such uniform companies as may be conveniently had, and all functionaries and citizens, in forming such procession as may be deemed advisable.

Whereupon, Messrs Hogan, Perkins, King, Spruill and Phillips, were appointed said committee on the part of the House of Representatives.

They also concur in the resolution of the Senate, proposing to elect a Solicitor of the 7th judicial circuit.

The amendments of the House of Representatives to the joint resolutions in relation to the salary of the Warden and deputy Warden of the Penitentiary, being under consideration, Mr Hudson asked for a division of the question; and the vote was first taken on concurring in the first amendment; which was in these words: "and the same thereafter, until otherwise regulated by law," to come in after the word, "dollars," in the fifth line of said resolutions; which was lost.—Yeas 15, Nays 15.

Those who voted in the affirmative are, Messrs Alston, Address, Brindley, Buford, Clarke, Creagh, Hudson, McClanahan, Reese, Ross, Toulmin, Watrous, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are, Messrs President, Baylor, Dent, Foster, Hall, Hunter, Jones, King, McAllister, McConnell, Oliver, Phillips, Rodgers, Thornton and Turner.

The question was next on concurring in the second amendment, which was in these words; "**RESOLVED**, further, that a eputy Wardenshall not be appointed until directed by the General Assembly;" which was lost.—Yeas 6, Nays 23.

Those who voted in the affirmative are, Messrs Alston, Address, Buford, Clarke, Creagh and Watrous.

Those who voted in the negative are, Messrs President, Baylor, Brindley, Dent, Foster, Hall, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Turner, Wilson, of F., Wilson of J. and Womack.

The resolution of the House in relation to the inauguration of the Governor was concurred in by the Senate; and Messrs Turner, Reese, Phillips and McConnell, appointed a committee on the part of the Senate.

On motion of Mr Baylor, the resolutions from the House of Representatives, proposing to raise a joint committee, for the purpose of investigating the affairs of the bank of the State of Alabama and its several branches, was taken from the table.

The hour of 11 o'clock having arrived, the Senate took up the special order, it being a bill to be entitled an act to reduce the number, and change the mode of electing the directors of the Bank of the State of Alabama and its several branches, together with the amendment Mr Phillips thereto.

Mr Jones offered the following, as a substitute for Mr Phillips' amendment, to wit:

Be it further enacted, that any member of either branch of the legislature, may, by motion or resolution, within ten days after the nomination of the Governor shall have been reported, object to one or more of the nominees; and upon such motion or resolution being made, it shall be proper to discuss the character and qualifications of such nominee or nominees—and it shall then require a majority of two thirds of the Senate and House of Representatives, obtained on separate ballot, to confirm the nomination of the nominee or nominees thus objected to, and upon such nomination, or any part of it being rejected, it shall be the duty of the Governor, within five days after such rejection to nominate again the number thus rejected; but no individual shall be nominated a second time; which was rejected.—Yeas 12, Nays 17.

Those who voted in the affirmative are, Messrs President, Andress, Baylor, Buford, Creagh, Hall, Hunter, Jones, King, Oliver, Wilson of F. and Womack.

Those who voted in the negative are, Messrs Alston, Brindley, Clarke, Dent, Foster, Hudson, McAllister, McClanahan, McConnell, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Watrous and Wilson of Jackson.

The question then recurred on the adoption of Mr Phillips' amendment, which was carried. Yeas 18, Nays 12.

Those who voted in the affirmative are, Messrs Alston, Andress, Clarke, Hall, Hunter, Jones, King, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Turner, Watrous, Wilson of F. and Womack.

Those who voted in the negative are, Messrs President, Baylor, Brindley, Buford, Creagh, Dent, Foster, Hudson, McClanahan, Rodgers, Toulmin and Wilson of Jackson.

The bill as amended was then ordered to be engrossed for a third reading. Yeas 20, Nays 10.

Those who voted in the affirmative are, Messrs President, Andress, Clarke, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are, Messrs Alston, Baylor, Brindley, Buford, Creagh, Dent, Foster, Hall, Rodgers and Watrous.

Mr King introduced a bill to be entitled an act to incorporate the town Vienna, in the county of Pickens, which was read and ordered to a 2d reading.

Mr McConnell introduced a bill to be entitled an act for the relief of certain citizens of Talladega county, which was read and ordered to a second reading.

Mr Toulmin introduced a bill to be entitled an act to incorporate the Factors Press and Ware-house Company, which was read and ordered to a second reading.

Mr Brindley introduced a bill to be entitled an act to provide books and stationery for the several Chancery Courts in the State, which was read and ordered to a second reading.

The Senate then took up the orders of the day.

The amendment heretofore offered by Mr Wilson of Fayette, to the bill "to be entitled an act to authorize the relinquishment of 16th sections, in certain cases, being under consideration, the question was taken thereon and the amendment adopted.

Mr Baylor offered the following amendment, which was adopted, to wit:

Provided, that no person who shall have obtained a rescission of any contract of sale, shall be allowed to become, either directly or indirectly, the purchaser of said 16th Section, or any portion thereof, at any subsequent sale: and all such sales, if made to such persons, shall be absolutely void in law and equity. The bill as amended, was ordered to be engrossed for a third reading.—Yeas 21, Nays 8.

Those who voted in the affirmative are, Messrs President, Andress, Baylor, Buford, Clarke, Brindley, Creagh, Dent, Foster, Hudson, King, McAllister, McClanahan, McConnell, Oliver, Rodgers, Thornton, Toulmin, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are, Messrs Alston, Hall, Jones, Phillips, Reese, Ross, Turner and Watrous.

Message from the House of Representatives by Mr Tunstall.

Mr PRESIDENT: I am instructed to inform the Senate that the House of Representatives adhere to their amendments to the joint resolutions, in relation to the salary of the Warden of the Penitentiary.

They have appointed a committee of conference on their part, to consist of Messrs Young, Reynolds, Houston, Taylor and Erwin.

Mr Hudson moved that the Senate insist upon their disagreement to the amendments of the House, and appointed a committee of conference on the subject, which was concurred in. Messrs Hunter, Jones, King, Hudson and Hall were appointed said committee.

Engrossed bill to be entitled an act to amend and explain an act entitled an act for the relief of Elizabeth Morris, approved 9th of May, 1836, was read a third time.

Mr Toulmin offered the following amendment, by way of engrossed rider; "Provided that nothing in this act shall be so construed, as to prevent the widow of said James D. Wilson, or those claiming under her from holding and enjoying one third of the estate so purchased.

Mr Turner offered the following as an amendment to the amendment, "Provided, further, that the parties claiming under the widow of James D. Wilson, shall pay to Elizabeth Morris, two thirds of the rent of property held by the said parties, from 1836, to the time of her being put in possession of the same, which was lost. The question then recurred on the amendment offered by Mr Toulmin, which was also rejected.

The question was then taken on the passage of the bill, which was carried. Yeas 20, Nays 10.

Those who voted in the affirmative are, Messrs President, Andress, Baylor, Brindley, Clarke, Dent, Foster, Hall, Hudson, Hunter, Jones, King, McAllister, McClanahan, Phillips, Reese, Ross, Rodgers, Turner and Wilson of F.

Those who voted in the negative are, Messrs Alston, Buford, Creagh, McConnell, Oliver, Thornton, Toulmin, Watrous, Wilson of J. and Womack.

Ordered that the title remain as aforesaid.

A bill to be entitled an act to distribute the 240 copies of the printed re-

turns of the 6th census of the people of the U. States, was read a third time and passed.

Ordered that the title remain as aforesaid.

A bill to be entitled an act to alter the mode of assessing and collecting the taxes for Limestone county, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act better to secure the collection of the suspended debt of the bank of the State of Alabama and its branches, being on its second reading, it was, on motion, postponed until Tuesday next.

Mr Reese moved to reconsider the vote, taken yesterday, on the joint resolution in relation to the county of Cherokee, which, on motion of Mr Hudson, was postponed until to-morrow.

Mr Hall moved to adjourn, which was lost.

On motion of Mr Reese, Mr Alston was added to the committee on federal relations.

On motion of Mr Dent, the Senate then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, Nov. 20th, 1841.

The Senate met pursuant to adjournment.

Mr McClanahan, from the committee on military affairs, to whom was referred a resolution, instructing them to inquire into, and report to the Senate, the state and condition of the State arsenal, and the number and condition of the arms therein, reported; that they had examined the State arsenal, and found it secure and in good order, and the number and condition of the arms as follows, to wit:

- 1 iron six pound cannon and carriage—the carriage damaged.
- 358 muskets, in good order.
- 62 muskets, some of which are broken—all of which are in bad order, and boxed up.
- 111 in good order.
- 108 bayonets, not fit for use and boxed up.
- 10 boxes of new muskets and bayonets—25 in each box, in good order
- 76 new horseman's pistols, in good order.
- 18 old horseman's pistols, in good order.
- 5 ditto broken and not fit for use.
- 17 horseman's swords and straps, in good order.
- 11 artillery swords and straps, in good order.
- 36 packages of breast plate.
- 20 packages of screw drivers.
- 16 packages of ball screws.
- 4 packages of lead, flint end wrappers,
- 5 packages of spring vices,
- 2 pistol moulds.
- 400 holsters.
- 24 bundles sword straps, ten in each.
- 362 horseman's cartouch boxes.
- 30 infantry cartouch boxes.
- 23 bundles bear skins for holsters, ten in each.

The report, on motion of Reese, was ordered to lie on the table.

Mr Turner from the committee on roads, bridges and ferries, to whom was

referred a bill in relation to the establishment of, and condition and discontinuance of roads, reported the same back to the Senate as inexpedient, asked to be discharged from the further consideration thereof, in which the Senate concurred.

On motion of Mr Dent, the Senate then took up the orders of the day:

Engrossed bill, to be entitled an act further to provide for defraying the expenses of the chancery courts of this State; was read a third time and passed.

Ordered, that the title remain as aforesaid.

Engrossed bill, to be entitled an act to reduce the number, and change the mode of electing the directors of the bank of the State of Alabama and its several branches; was read a third time, and on motion of Mr Turner, ordered to lie upon the table.

Engrossed bill, to be entitled an act to authorise the relinquishment of 16th sections, in certain cases; was read a third time and passed. Yeas 15—Nays 8.

Those who voted in the affirmative, are, messrs President, Address, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, McAllister, McConnell, Rodgers, Thornton, Wilson of F., and Womack.

Those who voted in the negative, are, messrs Alston, McClanahan, Phillips, Reese, Ross, Toulmin, Turner and Watrous.

Ordered, that the title of the bill remain as aforesaid.

Engrossed bill, to be entitled an act to alter the mode of assessing and collecting the taxes of Limestone county; was read a third time and passed.

Ordered, that the title remain as aforesaid.

On motion of Mr Turner, the orders of the day were suspended.

On motion of Mr Turner, the bill to be entitled an act to reduce the number and change the mode of electing the directors of the bank of the State of Alabama and its several branches, was taken from the table.

And on motion of Mr Hudson, the further consideration of the same was postponed for the present.

Mr Hunter from the committee of conference, appointed on the part of the Senate, to meet a like committee on the part of the House, reported, that it was by said committee, agreed, that the salary of the Warden of the Penitentiary shall be for the year 1842, twelve hundred dollars; for the year 1843, sixteen hundred dollars, and the same thereafter, until regulated by law; and that the Senate agree to the other amendment made by the House to said bill and instructed him to ask and advise the concurrence of the Senate, in which report the Senate concurred.

A message was received from the House of Representatives, informing the Senate that they were now ready to receive them for the purpose of going into the election of a Solicitor of the 7th judicial circuit; whereupon the Senate repaired to the hall of the House and were seated.

Mr President announced the object of the meeting of the two Houses.

The two houses then proceeded to the election of a Solicitor for the 7th judicial circuit.

Messrs SAMUEL F. AUSTILL, WM. M. GREENE, C. E. B. STRODE, and LEMUEL COOK, being in nomination.

Those who voted for Mr Austill, are messrs Baylor, Creagh, King, Ross, Rodgers, Toulmin, Wilson of J. and Womack, of the Senate; and messrs Armbrister, Barron, Bradley, Gardner, Griffin of S., Hammond, Houston,

Jones of Mad., Jefferson, King, Mason, Mundy, Norwood, Rhodes, Smith of Jackson, Spruill, Stinson, Valliant and Wallace of the House—27.

Those who voted for Mr Greene, are messrs Alston, Thornton, and Watrous of the Senate; and messrs Covington, Davis of B., Davenport, Henry, Jamison, S. McAlpin, Smith of T. and Young, of the House—11.

Those who voted for Mr Strode, are messrs President, Address, Buford, Clarke, Dent, Foster, Hall, Hunter, Jones, McAllister, McClanahan, McConnell, Oliver, Phillips, Turner and Wilson of F., of the Senate; and messrs Speaker, Alexander of Lowndes, Allen, Bishop, Broughton, Cain, Chiles, Clemens, Cochran, Crenshaw, Crawford, Davis of L., Fletcher, Ford, Gresham, Griffin of M. Griffin of J. Harris, Haughton, Henslee, Hogan, Hunter, Hutchinson, James, Jones of Con., Jones of Cov., Justice, Kennedy, Kidd, Marchbanks, McAllister, B. McAlpin, R. C. McAlpin, McLemore, McLeod, McMillion of B., McMillion of J., Mitchell, Moore, Moors, Morgan, Musgrove, Norris, Phillips, Randolph, Rice, Rodgers, Rushing, Steele, Storrs, Taylor, Troup, Walker of B., Winston, Woodward, Wynn and Yancey, of the House—73.

And those who voted for Mr Cook, are messrs Brindley and Hudson, of the Senate; and messrs Alexander of Laud., Barker, Burleson, Garland, Heflin, Norman, Reynolds and Walker of Law., of the House—10.

Mr Strode having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected solicitor of the 7th judicial circuit for the time prescribed by law.

The Senate then withdrew to their chamber.

Mr President resumed the chair, and the Senate proceeded to business.

Mr Jones, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, bills of the following titles, to wit:

An act to incorporate the town of Warrenton, in the county of Marshall.

An act to authorise Allen Woolley to erect a gate across a certain public road therein named.

An act entitled an act to change the time of appointing tobacco inspectors for the county of Lauderdale.

An act to regulate judicial proceedings in the county of mobile.

An act to change the time of holding the winter term of the county court of Butler county.

An act to authorize the circuit court of Butler county, to remain in session two weeks at the spring term of 1842.

An act to ascertain and fix a suitable cite for the permanent location of the court house of Covington county, and for other purposes.

An act altering the mode of assessing and collecting the tax of Pike county.

An act to amend the laws for assessing and collecting the taxes in the county of Benton, and for other purposes.

An act to establish a ware-house for the inspection of tobacco in the town of Decatur, in this State.

The Senate then resumed the consideration of the bill to be entitled an act to reduce the number and change the mode of electing the directors of the bank of the State of Alabama and its several branches.

Mr Buford offered the following amendment by way of engrossed ryder, to wit:

Provided, that any member voting may, if he choose, vote in blank, and no

such nominee shall be declared elected a director, unless he shall have received a majority of two thirds of the whole number thus voting on joint ballot.

Mr Buford moved to refer the bill, together with the amendment, to the committee on the judiciary; which was lost.

The question then recurred on the adoption of the amendment.

Mr Creagh called for a division of the question, which was first taken on that portion of the amendment which related to the voting in blank; which was lost. Yeas 12—Nays 18.

Those who voted in the affirmative are, messrs Alston, Address, Buford, Creagh, Hall, Hunter, King, McAllister, Oliver, Reese, Watrous and Womack.

Those who voted in the negative are, messrs President, Baylor, Brindley Clarke, Dent, Foster, Hudson, Jones, McClanahan, McConnell, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J.

The balance of the amendment was withdrawn.

The question was then taken on the passage of the bill; which was carried. Yeas 17—Nays 13.

Those who voted in the affirmative are, messrs President, Clarke, Hudson, Jones, King, McAllister, McClanahan, McConnell, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are, messrs Alston, Address, Baylor, Brindley, Buford, Creagh, Dent, Foster, Hall, Hunter, Oliver, Rodgers and Watrous.

Ordered that the title remain as aforesaid.

A message was received from the House of Representatives by Mr. Tunstall.

Mr. President: The House of Representatives have adopted the accompanying preamble and resolutions in relation to the State bank and branches.

Mr Hudson, from the committee on accounts and claims, to whom was referred the account of John H. Henderson, register of the chancery court holden at Blountsville, for books and stationary furnished said office, reported the claim as not being properly authenticated; in which report the Senate concurred.

Mr Brindley asked leave to withdraw the account; which was granted.

Mr Hudson, from the same committee to whom was referred the account of Wm. McGehee, late sheriff of Mobile county, reported that it was unnecessary for the Senate to have any further action on the subject, as the relief sought to be obtained is embraced in a bill now before the Senate, for the relief of sheriffs for the like services. The committee therefore ask to be discharged from the further consideration thereof; in which the Senate concurred.

Mr Turner, from the committee on roads, bridges and ferries, to whom was referred a resolution instructing them to inquire into the propriety of reducing the width of lanes, with leave to report by bill or otherwise, reported for the consideration of the Senate, a bill to be entitled an act to reduce or increase the width of lanes; which was read a first time and ordered to a second reading.

The Senate then resumed the consideration of the orders of the day.

A bill to be entitled an act to incorporate the town of Vienna, in the county

of Pickens, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act for the relief of certain citizens of Talladega county, was read a second time, and on motion of Mr McConnell, ordered to lie on the table.

A bill to be entitled an act to incorporate the factors press and ware-house company, was read a second time.

Mr Baylor offered an amendment as an additional section; which, together with the bill, was on motion of Mr Baylor, referred to the committee on the judiciary.

A bill to be entitled an act to provide books and stationary for the several chancery courts in this State, was read a second time.

Mr Brindley moved to refer it to a select committee; which was lost.

Mr Turner, to the committee on the judiciary; which was carried.

The resolutions from the House of Representatives in relation to the frauds alleged to have been committed on the State bank and branches were read, and on motion of Mr Hudson, ordered to lie upon the table.

Message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have read three several times and passed bills which originated in the House of Representatives of the following titles, to wit:

An act to alter the manner of compensating executors and administrators in certain cases.

An act to amend the charter of the Planters and Merchants bank of Mobile.

An act more effectually to prohibit free negroes and persons of color from entering into and remaining in this State, approved Feb. 2, 1839.

An act to incorporate the town of Dadeville, in Tallapoosa county.

An act to provide for working of roads on beat lines, and for other purposes.

A joint memorial to the Congress of the United States, on the subject of establishing an armory at the great falls on Tallapoosa river.

An act for the relief of tales jurors in the county of St. Clair, and for other purposes; in all of which they ask the concurrence of the Senate.

A message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives concur in the resolution of the Senate proposing to elect a warden and deputy warden of the Penitentiary, and have amended the same by inserting 1 o'clock this day.

Mr Hall moved to lay the message on the table; which was lost.

Mr Hudson, to postpone for the present; which was carried.

Mr Rodgers, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, joint resolutions in relation to the salary of warden and deputy warden of the penitentiary.

On motion of Mr Hunter, the Senate resumed the consideration of the resolution in relation to the election of warden of the penitentiary.

The amendment of the House proposing to go into the election at one o'clock, was concurred in by the Senate.

On motion of Mr Hudson, the resolution was amended by striking out deputy warden, and adding three inspectors.

Engrossed bill from the House of Representatives to be entitled an act to alter the manner of compensating executors and administrators in certain cases, was read and ordered to a second reading.

Message from the House of Representatives.

Mr President: The House of Representatives concur in the amendment made by the committee of conference in relation to the salary of the warden and deputy warden of the penitentiary.

They also concur in the amendment of the Senate proposing to elect three inspectors of the penitentiary this day at one o'clock.

A bill from the House of Representatives to amend the charters of the planters and merchants bank at Mobile, was read and ordered to a second reading.

A bill from the House in relation to free persons of color was read a second time.

Message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have adopted the following resolution: *

RESOLVED, that the Senate be now invited into the Hall of the House of Representatives to go into the election of a warden and three inspectors of the penitentiary.

In accordance with the above invitation, the Senate repaired to the hall of House of Representatives, and were seated.

Mr President then announced the object of the meeting of the two Houses.

The two Houses then proceeded to the election of a warden of the penitentiary: messrs F. F. ADRIAN, RICHARD BURRUSS, WM. CAMPBELL, WM. HOGAN, WM. McCAY, ALEXANDER RIDDLE and JAMES SHANNON, being in nomination.

Those who voted for Mr Adrian, are messrs Reese, of the Senate; and messrs Hammond, Heflin, B. McAlpin, McMillion of J., Taylor and Walker of Benton, of House—7.

Those who voted for Mr Burruss, are messrs Hudson and Rodgers, of the Senate; and messrs Alexander of Laud., Barker, Burleson, Garland, Kennedy, Norman, Valliant and Walker of Lawrence, of the House—10.

Those who voted for Mr Campbell, are messrs Andress, Creagh, Jones, Ross and Womack, of the Senate; and messrs Broughton, Chiles, Crenshaw, Crawford, Gresham, Hunter, James, Jones of Cov. Jefferson, Justice, Mason, McLeod, Randolph, Rhodes, Rushing, Storr, Stinson, Woodward and Yancey, of the House—24.

Those who voted for Mr Hogan, were messrs Alston, Baylor, Buford, Dent, Foster, Hunter, King, McConnell, Oliver, Phillips, Thornton, Turner and Wilson of F., of the Senate; and messrs Alexander of Lawrence, Barron, Bishop, Bradley, Cochran, Covington, Davenport, Davis of B., Erwin, Ford, Gardner, Griffin of S., Harris, Henry, Hogan, Hutchinson, Jones of Con. Jemison, Kidd, McAllister, R. McAlpin, S. McAlpin, McLemore, Mitchell, Morris, Mundy, Norris, Norwood, Perkins, Rice, Scott, Smith of T. Spruill, Strade, Wallace and Young, of the House—49.

Those who voted for Mr McCay, are messrs President, Clarke, McClanahan and Turner, of the Senate; and messrs Speaker, Cain, Clemens, Haughton, Houston, Jones of mad., Moore, Reynolds, Smith of Laud., Troup and Wyan, of the House—15.

Those who voted for Mr Riddle, are messrs Brindley, McAllister, Toulmin, and Wilson of J., of the Senate; and messrs Allen, Armbrister, Davis of Lime, t one, Fletcher, Griffin of J., Griffin of M., Henslee, King, Marchbanks, Mc

Million of B., Musgrove, Rodgers, Smith of Jackson, and Winston, of the House—18.

Those who voted for Mr Shannon, are messrs Hall, of the Senate; and messrs Morgan, Phillips and Steele, of the House—4.

Neither having received a majority of the whole number of votes given, the two Houses proceed to ballot a second time.

Those who voted for Mr Adrian, are Mr Reese, of the Senate; and messrs Heflin, McMillion of J. and Taylor, of the House—4.

Those who voted for Mr Burruss, are messrs Hudson and Rodgers of the Senate; and messrs Alexander of Land, Barker, Burleson, Garland, Houston, Norman, Valliant and Walker of B., of the House—10.

Those who voted for Mr Campbell, are messrs Andress, Clarke, Creagh, Jones, Ross and Womack of the Senate; and messrs Broughton, Chiles, Crenshaw, Crawford, Harris, Hunter, James, Jones of Cov., Jefferson, Justice, Mason, McAllister, B. McAlpin, McLeod, Moore, Phillips, Randolph, Rhodes, Rushing, Storrs, Stinson, Walker of B., Woodward and Yancey, of the House—30.

Those who voted for Mr Hogan, are messrs Alston, Baylor, Buford, Dent, Fester, Hunter, King, McAllister, McConnell, Oliver, Phillips, Thornton, Watrous and Wilson, of F., of the Senate; and messrs Alexander of Lowndes, Barron, Bishop, Bradley, Cochran, Covington, Davis of B., Davenport, Erwin, Ford, Gardner, Gresham, Griffin of S. Hammond, Henry, Hogan, Hutchinson, Jones of Con., Jemison, Kidd, R. McAlpin, S. McAlpin, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Rice, Scott, Smith of T., Spruill, Strode, Troup, Wallace and Young, of the House—51.

Those who voted for Mr McCay, are messrs President, McClanahan and Turner, of the Senate; and messrs Speaker, Cain, Clemens, Haughton, Jones of M. Kennedy, Reynolds, Smith of L. and Wynn, of the House—12.

Those who voted for Mr Riddle, are messrs Brindley, Toulmin and Wilson of J., of the Senate; and messrs Allen, Armbrister, Davis of L., Fletcher, Griffin of J., Griffin of M., Hunter, King, Marchbanks, McMillion of B., Musgrove, Rodgers, Smith of J., and Winston, of the House—17.

Those who voted for Mr Shannon, are Mr Hall, of the Senate; and messrs Morgan and Steele of the House—3.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to ballot a third time. The names of Mr Shannan and Adrian having been withdrawn.

Those who voted for Mr Burruss are, Messrs Hudson and Rodgers of the Senate; and Messrs Alexander of L., Barker, Burleson, Garland, Heflin, Valliant and Walker, of the House.—9

Those who voted for Mr Campbell are, Messrs Andress, Clarke, Creagh, Hall, Jones, Reese, Ross and Womack, of the Senate; and Messrs Broughton, Chiles, Crenshaw, Houston, Hunter,, James, Jones of Cov. Jefferson, Justice, Kennedy, Mason, B. McAlpin, McLeod, Moore, Morgan, Phillips, Randolph, Rhodes, Rushing, (Smith, of L., Steele. Stinson, Walker of B. Woodward and Yancy of the House.—33.

Those who voted for Mr. Hogan are, Messrs Alston, Baylor, Buford, Dent, Foster, Hunter, King, McAllister, McConnell, Oliver, Phillips, Thornton, Toulmin, Wilson of F., of the Senate; and Messrs Alexander of Lowndes, Barron, Bishop, Bradley, Cochran, Covington, Crawford, Davenport, Davis, of B., Erwin, Ford, Gardner, Gresham, Griffin of Shelby, Hammond, Harris,

Henry, Hogan, Hutchinson, Jones of Conn., Jemison, Kidd, McAllister, R. McAlpin, S. McAlpin, McLemore, McMillion, of Jefferson, Mitchell, Moors, Mundy, Norris, Perkins, Rice, Scott, Smith of T., Spruill, Storrs, Strode, Troup, Wallace and Young, of the House of Representatives—57.

Those who voted for Mr. McCay are, Messrs President, McClanahan and Turner, of the Senate; and Messrs Speaker, Cain, Clemens, Haughton, Jones of Madison, Norman, Reynolds and Wynn.—11

Those who voted for Mr Riddle are, Messrs Brindley and Wilson of Jackson, of the Senate; and Messrs Armbrister, Allen, Davis of L., Fletcher, Griffin of J., Griffin of M., Henslee, King, Marchbanks, McMillion of B., Musgrove, Rodgers, Smith of J., Taylor and Winston, of the House of Representatives.—17.

Neither having received a majority, the two Houses proceeded to ballot a fourth time.

Those who voted for Mr Burruss are, Messrs Rodgers of the Senate; and Barker, Taylor, Valliant and Walker of L., of the House—5.

Those who voted for Mr Campbell are, Messrs Clarke, Creagh, Hall, Hudson, Jones, McClanahan, Ross and Womack, of the Senate; and Messrs Alexander of L., Allen, Burleson, Chiles, Crenshaw, Gresham, Harris, Haughton, Heflin, Houston, Hunter, James, Jones of Cov., Jones of M., Jefferson, Justice, Kennedy, Mason, B. McAlpin, McLeod, Moore, Morgan, Norman, Phillips, Randolph, Reynolds, Rhodes, Rushing, Smith of L., Steele, Storrs, Stinson, Walker of B., Woodward, Wynn and Yancy, of the House—44.

Those who voted for Mr Hogan are, messrs President, Alston, Address, Baylor, Buford, Dent, Foster, Hunter, King, McAllister, McConnell, Oliver, Phillips, Reese, Thornton, Toulmin, Watrous and Wilson of F. of the Senate; and Messrs Alexander of Lowndes, Barron, Bradley, Bishop, Broughton, Cain, Clemens, Cochran, Covington, Crawford, Davenport, Davis of B., Davis of L., Erwin, Fletcher, Ford, Gardner, Garland, Griffin of M., Griffin of S., Hammond, Henry, Hogan, Hutchinson, Jones of Conn., Jemison, Kidd, McAllister, R. C. McAlpin, S. McAlpin, McLemore, McMillion of J., Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Rice, Scott, Smith of T., Spruill, Strode, Troup, Wallace and Young of the House.—64.

Those who voted for Mr McCay, are, messrs Turner of the Senate; and Speaker of the House.—2.

Those who voted for Mr Riddle, are messrs Brindley and Wilson of J. of the Senate; and messrs Armbrister, Griffin of J., Henslee, King, Marchbanks, McMillion of B., Musgrove, Rodgers, Smith of J., and Winston of the House.—12.

Mr Hogan having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Warden of the Penitentiary for the time prescribed by law.

The two houses next proceeded to the election of three Inspectors of the Penitentiary.

Messrs J. M. ARMSTRONG, D. LYMAN BEECHER, — COLE, LARKIN CLEVELAND, FAGAN HICKMAN, — FOWLER, Mr KYLE, L. KENNEDY, L. P. SAXON, SAMUEL LEEPER, HENRY LEWIS, S. S. SIMMONS, M. SMITH, and — WATSON, being in nomination.

Those who voted for Mr Armstrong are, messrs Hunter, McConnell, Oliver, Ross, and Thornton, of the Senate; and messrs Alexander of L., Armbrister,

Brindley, Cain, Chiles, Crawford, Davis of B., Fletcher, Ford, Gardner, Gresham, Griffin of S., Harris, Henry, Hunter, Hutchinson, Jones of Cov., Justice, Kidd, King, Mason, McAllister, McLemore, McLeod, McMillion of B., Moore, Moors, Mundy, Norris, Rhodes, Scott, Smith of J., Smith of T., Stinson, Valliant, Wallace and Winston of the House.—44.

Those who voted for Mr Beecher, are, messrs President, Address, Buford, Dent, King, Oliver, Phillips and Womack of the Senate; and messrs Alexander of L., Barker, Cochran, Covington, Crenshaw, Davis of B., Erwin, Gardner, Gresham, Griffin, of S. Harris, Henry, Hutchinson, Jones of Cov., Jemison, McLemore, Mitchell, Norwood, Perkins, Rhodes, Scott and Smith of T., of the House.—30.

Those who voted for Mr Cole are, messrs Buford, of the Senate; and Broughton, Crawford, Gresham, Hunter, Justice and McAllister of the House.

Those who voted for Mr Cleaveland are, messrs Creagh, Foster, Ross and Toulmin of the Senate; and messrs Burleson, Hammond, Heflin, Hogan, Houston, Marchbanks, Musgrove, Norman, Reynolds, Taylor and Yancy of the House.—15.

Those who voted for Mr Fowler are, messrs Address, Brindley, Creagh, Hunter, McAllister, Reese, Rodgers, Thornton, Toulmin, Turner and Wilson of J. of the Senate; and messrs Broughton, Cain, Chiles, Gardner, Jones of Con., Jefferson, Kidd, Mason, Moore, Mundy, Rice, Rushing, Scott, Storrs, and Strode of the House.—27.

Those who voted for Mr Kyle, are, messrs Hunter of the Senate; and Davenport, Hutchinson, Kidd, Mason, R. C. McAlpin, Phillips and Storrs, of the House.—8.

Those who voted for Mr Kennedy, are, messrs Turner of the Senate; and messrs Speaker, Alexander of L., Barker, Davenport, Davis of B., Ford, Henry, Kennedy, McLeod, Mitchell, Moors, Smith of T., Stinson and Walker of L.—15.

Those who voted for Mr Saxon are, messrs Alston, Baylor, Clarke, Creagh, Foster, Phillips, Reese, Rodgers and Womack of the Senate; and messrs Alexander of L., Allen, Barron, Bishop, Bradly, Broughton, Chiles, Clemens, Cochran, Covington, Crenshaw, Davenport, Davis of L., Erwin, Ford, Garland, Griffin of S., Haughton, Hogan, Houston, Hutchinson, Jones of M., Jefferson, B. McAlpin, R. C. McAlpin, McMillion of J., Moors, Musgrove, Norris, Perkins, Randolph, Rhodes, Rushing, Smith, of L., Spruill, Storrs, Strode, Troup, Valliant, Walker of B., Wallace, Woodward, Wynn and Yancy, of the House.—54.

Those who voted for Mr Leeper are, messrs President, Brindley, McClanahan, Rodgers, Wilson and Womack, of the Senate; and messrs Speaker, Armbrister, Barker, Bishop, Cain, Covington, Crenshaw, Fletcher, Garland, Griffin of J., Henslee, King, McMillion of B., Rodgers, Smith of J., Stinson, Valliant, Walker of L., and Winston.—25.

Those who voted for Mr Lewis, are, messrs Griffin of M., Jones of Con., Morgan and Steele of the House.—4.

Those who voted for Mr Simmons, are, messrs President, Alston, Baylor, Clarke, Dent, Hall, Hudson, Jones, King, McAllister, McClanahan, Toulmin, and Turner, of the Senate; and messrs Speaker, Alexander of Land., Allen, Barron, Burleson, Clemens, Davenport, Garland, Griffin of M., Hammond

Haughton, Henry, Henslee, James, Jones of m., Jemison, Marchbanks, B. McAlpin, S. McAlpin, McMillion of J., Mitchell, Morgan, Mundy, Musgrove, Norris, Perkins, Phillips, Rice, Rodgers, Smith of Laud., Steele, Taylor, Walker of B., Woodward and Wynn of the House.—48.

Those who voted for mr Smith are, messrs Hall, Hudson, Jones, McConnell and Reese, of the Senate; and messrs Barron, Bradley, Cochran, Fletcher, Griffin of J., King, McMillion of J., Norman, Randolph, Reynolds, Smith of J., Troup and Yancey, of the House.—18.

Those who voted for mr Watson are, messrs President, Alston, Address, Baylor, Brindley, Buford, Clarke, Dent, Foster, Hall, Hudson, Jones, King, McAllister, McClanahan, McConnell, Oliver, Phillips, Ross, Thornton, Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Allen, Armbrister, Bishop, Burleson, Clemens, Crawford, Davis of B., Erwin, Griffin of m., Hammond, Harris, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, James, Jones of Cov., Jones of m., Jefferson, Jemison, Justice, Kennedy, Marchbanks, McAllister, B. McAlpin, McLemore, McLeod, McMillion of B., Moore, Norman, Norris, Norwood, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of L., Strode, Taylor, Troup, Walker of B., Walker of L., Wallace, Winston, Woodward and Wynn of the House.—73.

Mr Watson having received a majority of the whole number of votes given, Mr Speaker declared him duly elected Inspector of the Penitentiary for the term prescribed by law.

The two houses then proceeded to ballot for two Inspectors; the names of messrs Cole, Cleavland, Fowler, Kyle, Leeper, Lewis, Smith and Fagan, having been withdrawn.

Those who voted for mr Armstrong are, messrs Address, Buford, Clarke, Hall, Hunter, Jones, McAllister, McConnell, Phillips, Ross, Rodgers, Thornton, Turner and Womack, of the Senate; and messrs Alexander of L., Armbrister, Barroh, Barker, Bradley, Broughton, Cain, Chiles, Covington, Crenshaw, Crawford, Davis of B., Erwin, Fletcher, Ford, Gardner, Gresham, Griffin of J., Griffin of S., Hammond, Harris, Heflin, Hunter, Hutchinson, Jones of Con., Jones of Cov., Jefferson, Jemison, Justice, Kennedy, Kidd, King, Mason, McAllister, McLemore, McLeod, McMillion of J., Mitchell, Mundy, Rhodes, Rushing, Scott, Smith of J., Smith of L., Smith of T., Storrs, Strode, Stinson and Valliant of the House.—63.

Those who voted for mr Beecher, are, messrs Buford of the Senate; and Crawford, Gresham, Hutchinson, Jones of Con., Kidd, Perkins and Smith of L.—8.

Those who voted for mr Saxon are, messrs President, Clarke, Creagh, Foster, McClanahan and Womack of the Senate; and messrs Speaker, Allen, Armbrister, Barron, Bishop, Bradley, Broughton, Burleson, Chiles, Clemens, Cochran, Covington, Crenshaw, Davis of L., Erwin, Fletcher, Ford, Garland, Griffin of J., Griffin of m., Griffin of S., Henslee, Houston, Hunter, Hutchinson, Jones of Con., Kidd, Mason, B. McAlpin, R. C. McAlpin, McLemore, McLeod, Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rhodes, Rushing, Steele, Storrs, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Woodward, Wynn and Yancey of the House.—60.

Mr Mitchell, of the House, voted for mr Kennedy—1.

Those who voted for mr Simmons, are, messrs President, Address, Brindley, Creagh, Foster, Hall, Hunter, Jones, McAllister, McClanahan, McCon-

neil, Phillips, Ross, Rodgers, Thornton and Turner, of the Senate; and messrs Speaker, Alexander of L., Barker, Bishop, Burleson, Cain, Clemens, Cochran, Davis of B., Davis of L., Gardner, Garland, Griffin of M., Hammond, Harris, Heflin, Henslee, Houston, James, Jenison, Kennedy, King, McAllister, B. McAlpin, R. C. McAlpin, McMillion of Jefferson, Moore, Morgan, Mundy, Musgrove, Norman, Perkins, Phillips, Randolph, Rice, Scott, Smith, of J., Smith of L., Taylor, Troup, Walker of B., Woodward, Wynn and Yancy, of the House. —63.

messrs Armstrong and Simmons each having received a majority of all the votes given, Mr Speaker declared them duly elected Inspectors of the Penitentiary for the time prescribed by law.

The Senate then withdrew to their chamber.

Mr President took the chair and called the Senate to order.

Message from his Excellency the Governor by J. D. Bagby.

Mr President: I am instructed by his Excellency the Governor, to inform your honorable body, that he has approved and signed bills of the following titles, to wit:

An act to authorize Wm. Hughes, tax collector of Cherokee county, to assess and collect the taxes of said county for the year 1841, and to change the time of the election of said officer in future.

And joint resolutions in relation to the salaries of warden and deputy warden of the Penitentiary, which joint resolutions were approved this day, Nov. 24th 1841, at thirty minutes past 12 o'clock, M.

The foregoing bills originated in the Senate.

On motion of Mr Dent, the Senate then adjourned until Monday morning, 10 o'clock.

MONDAY, Nov. 22, 1841.

The Senate met pursuant to adjournment.

Mr Toulmin presented the petition of the stockholders of the Factors press and ware-house company, the reading of which was dispensed with, and on motion, referred to the judiciary committee.

Mr Phillips presented the petition of sundry citizens of Dallas county, the reading of which was dispensed with, and on motion referred to the committee on propositions and grievances.

Mr Jones from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled.

An act to appoint commissioners to superintend the sale of lots in the town of Warrenton, in the county of Marshall, and for other purposes.

Mr King introduced a bill, to be entitled an act to raise a school fund for the benefit of the poor, and in aid of valueless 16th sections; which was ordered to a second reading.

On motion of Mr Wilson of F: **RESOLVED**, that the committee on the State bank be instructed to inquire into the expediency of passing a law, prohibiting the President and directors of the State bank and its several branches, from discounting any note or notes, bill or bills, to any one individual for a greater amount than five thousand dollars; and also limiting the amount of the liabilities of any one individual to the State bank and its several branches; and also to inquire into the expediency of laying off the State into banking districts, within which the bank and its several branches, shall severally confine their operations as to the sale of bills of exchange, or discounting notes.

Mr Phillips offered a joint resolution, restraining the bank of the State of Alabama and the several branches thereof, from discounting accommodation paper while they continue in a state of suspension; which was read, and ordered to a second reading.

Mr Reese from the committee of arrangements, on the part of the Senate, in relation to the inauguration of the Governor elect, made the following report:

The joint committee of arrangements have agreed on the following plan for the order of procession at the installation of Governor Fitzpatrick.

First, floor of the House, to be appropriated for the accommodation of the ladies, members and balance of the procession, which is to be in the following order,

Music,
Tuskaloosa Guards,
Masonic Societies in dress,
Citizens generally, two and two,
Judges of the circuit and county courts,
Clerks and sheriffs,
Judges of the Supreme court and clerks,
Faculty of the University, preceded by the students,
Clergy generally,
Door-keeper and Messenger of the House of Representatives,
Clerk and Assistant Clerks of the House of Representatives,
Speaker,
Members of the House of Representatives, two and two,
Door-keeper and Messenger of the Senate,
Secretary and Assistant Secretary of the Senate,
President,
Senators, two and two,
Secretary of State, Comptroller, and Treasurer,
Doct. Manly, chaplain, sustained by two of the committee,
Gov. Bagby, sustained by two members of the committee,
Governor elect, sustained by the committee of arrangements.

The two Houses with the military will assemble at the hour of 11 o'clock, and will proceed from the Capitol to the residence of the Governor elect, at Col. Donaldson's where the procession will be formed under the direction of the Marshalls, in conformity with the foregoing programme.

Citizens and strangers are invited to join the procession.

A national salute will be fired in front of the capitol, at sun rise and at 12 M.

Generals Dent and Carroll, Marshalls of the day.

Which report was concurred in by the Senate.

On motion of Mr Reese, the Senate then took an informal recess.

At the time agreed upon, Benjamin Fitzpatrick, the Governor elect appeared in the hall of the House of Representatives and in the presence of the two Houses.

Mr Speaker administered to him the usual oaths of office, which oaths were to support the constitution of the United States, the constitution of the State of Alabama, and faithfully to discharge his duty as Governor of said State.

The Senate then withdrew to their chamber.

Mr President took the chair and called the Senate to order.

Mr Reese offered the following resolution: **RESOLVED**, that the Secretary of the Senate, request a copy of the Governor's Inaugural address, with a view to having it printed.

On motion of Mr Ross, the resolution was amended by striking out Secretary of the Senate, and committee of arrangements inserted instead thereof; the question then recurred on the adoption of the resolution, as amended, which was carried.

On motion of Mr Phillips: **RESOLVED**, that the thanks of the Senate be rendered to Capt. Bingham and company for their services on the occasion of the installation of the Governor.

On motion of Mr Andress, the Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, Nov. 23, 1841.

The Senate met pursuant to adjournment.

The Hon. Henry C. Lea, Senator from Perry county, appeared in the Senate chamber and took his seat.

Mr Brindley presented the petition of F. G. K. Shannon, the reading of which was dispensed with, and on motion, referred to the committee on propositions and grievances.

Mr Turner presented the petition of sundry citizens of Madison county, the reading of which was dispensed with, and on motion referred to the committee on propositions and grievances.

Mr Lea presented the account of Wm. Chandler, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Lea presented the account of Jesse H. Watson, the reading of which was dispensed with, and on motion, referred to the committee on military affairs.

On motion of Mr Hunter, Resolved, that the Senate with the concurrence of the House of Representatives will assemble in the hall of the House on to-morrow at 12 o'clock, M. to go into the election of judge of the county court of Lowndes county.

On motion of Mr McConnell, the memorial of Robert Douglass was taken from the table and referred to a select committee; whereupon messrs McConnell, Lea and Watrous were appointed said committee.

Mr McConnell presented the memorial of sundry citizens of Talladega county, the reading of which was dispensed with, and on motion referred to the committee on propositions and grievances.

The Senate then took up the special order for yesterday, which was a bill to be entitled an act to provide for the removal of the seat of government, and

On motion of Mr Hudson, the same was postponed until Monday next, and made the special order of the day for 11 o'clock.

The Senate proceeded to the consideration of the regular orders of the day.

A bill from the House of Representatives more effectually to prevent free negroes and persons of color from entering into and remaining in this State being under consideration, it was read a first time, and on motion of Mr Toulmin, the constitutional rule was suspended, and the bill read a second time.

Mr Toulmin moved further to suspend, which was lost; it was then on motion of Mr Creagh, referred to the judiciary committee.

A bill from the House of Representatives to be entitled an act to incorporate the town of Dadeville, in Tallapoosa county, was read the 1st time, and on motion of Mr Clarke, ordered to lie upon the table.

Bills from the House of Representatives of the following titles to wit:

An act to provide for the working of roads on beat lines, and for other purposes, and

An act for the relief of tales jurors of the county of St. Clair, were severally read, and ordered to a second reading.

Joint memorial to the Congress of the United States, on the subject of establishing an armory, at the great falls, of the Tallapoosa river, was read and adopted; ordered that the title of the same remain as aforesaid.

A bill from the House of Representatives to be entitled an act to alter the manner of compensating executors and administrators in certain cases, was read a second time and on motion of Mr Phillips, referred to the committee on the judiciary.

A bill from the House of Representatives to amend the charters of the Planters and Merchants bank of Mobile, was read a second time, and on motion of Mr Phillips, referred to a select committee; whereupon messrs Phillips, Toulmin and Thornton were appointed said committee.

Engrossed bill, to be entitled an act to incorporate the town of Vienna, in the county of Pickens, was read a third time and passed; ordered that the title of the same remain as aforesaid.

A bill to be entitled an act to reduce or increase the width of lanes, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to raise a school fund for the benefit of the poor and in aid of valueless 16th sections, was read the second time and Mr Clarke, moved to lay the bill upon the table, and print one hundred and thirty-three copies, which was lost.

Mr Thornton moved to refer the bill to the committee on education, which was carried.

Joint resolutions restraining the bank of the State of Alabama and the several branches thereof, from discounting paper, while they continue in a state of suspension, was read a second time, and on motion of Mr Hudson, referred to the committee on the State bank.

Mr Oliver moved to reconsider the vote taken this morning on refusing to lay on the table and print one hundred and thirty-three copies of a bill to be entitled an act to raise a school fund for the benefit of the poor, and in aid of valueless 16th sections; which was lost.

Mr Turner from the committee of arrangements in relation to the inauguration of Gov. Fitzpatrick, to whom was referred a resolution instructing them to request a copy of said Governor's inaugural address, reported that they had received the following communication, and asked to have the same spread upon the journal of the Senate, in which the Senate concurred.

Gentlemen of the Senate and House of Representatives: With a feeling of unaffected gratitude for the confidence which a majority of my fellow-citizens have reposed in me, by electing me to the responsible office of the chief Executive magistrate of the State; and with a settled determination to requite that confidence, as far as I can, by an assiduous devotion of my feeble abilities to the public service; I present myself before you, to incur the solemn

obligations enjoined by the constitution, and to assume the high and responsible duties assigned me.

In accordance with a custom proper on such occasions, I avail myself of the present opportunity publicly to avow my opinions on some of the leading questions of state and federal policy, which have so long, and are destined still longer, to divide the public mind.

To the state governments belong the preservation of much the larger class of individual rights, immediately appertaining to the security of life, liberty and property; but the extent to which even these rights are affected by the constitutional action of the federal government, and the still greater extent to which they are involved by the unauthorised assumption of federal power, would seem to require upon such questions, the most open and frank avowal of sentiments, from every important depository of public trust even in the state governments. That agent of state authority is but little to be trusted, who is willing to compromise the individual rights of the citizen, or that aggregation of individual rights which attaches to the state as a sovereign member of the confederacy: to a theory of the constitution, which by the mere force of construction concedes to the federal government powers not only undelegated, but which, by the terms of the instrument, are expressly reserved to the states respectively, or to the people, I hold that neither the states in their limited capacity, nor does Congress possess any inherent power or original existence as a body politic; that the constitution is a compact between the several states, in their sovereign capacity as states; that the federal government is the creature of that compact, possessing no powers than such as are expressly conferred, or such as are "necessary and proper" to carry into effect some previously granted power.

Those who assert the omnipotence of the federal government, so far as to dispute the right of the state, through any or all of its functionaries, to examine, discuss, or in any manner to scrutinize the authority of the federal government, must forget that the first step to ascertain the limits of state power, is to know to what extent that power originally belonging to them as sovereigns, has been delegated to the federal government, and that in questions of disputed power, to yield to that government the exclusive prerogative of judging of its own powers; and as a consequence, to fix the limits of state power, is at once to annihilate the state governments, by making the creature supreme and controlling over its creators.

Believing therefore that the states are the only counterpoise under our system, to the consolidating tendency of federal authority, and that to their jealous scrutiny we can alone look, for confining the federal government within the limits prescribed by the constitution, I should have been false to the high trust to which I have been called, and to my long cherished convictions, not to have thus publicly taken the earliest occasion to avow the opinion, that the first step in sustaining the sovereign rights of the states, and the liberties of the people, is to check the already overgrown power of the federal government. The present time is pregnant with admonitions. The distribution of the nett proceeds of the public lands is but an attempt to buy up the states and to make them stipendiaries of the federal government, under a fund wrung from the labor of their own citizens, and under the flagitious assumption that the power to distribute does not involve the necessity of taxation to an equivalent amount. He must be blind to the nature of human action, who does

not see in this scheme of distribution a portion of the public revenue, an artfully devised plan of assuming, to that extent, the state debts, throwing the whole burthen of supporting the federal government upon impost duties, and of reviving again an unconstitutional protective tariff. In principle, it is liable to all the constitutional objections of appropriating federal money to local objects, while in practice, it will lead to the greatest profligacy and corruptions in the state governments, by causing them to look to the federal government as the great almoner, who at all times stands ready to replenish their wastefully exhausted coffers.

If to this picture of federal aggrandizement and state and popular degradation, be added the reunion of bank power, in the hideous form of another unconstitutional United States Bank, the advocates of implied and constructive powers will have succeeded in giving the finishing touch to our institutions, by ingrafting on them all the usurpations which they have so long and so laboriously struggled to effect. I have adverted to these topics, not to increase the acrimony of party discussions, which already exist in the country, but in this distinct form to renew the pledges of my whole life, in opposition to principles which I honestly believe must end in the destruction of our state governments, and the subversion of our republican institutions.

Not presuming in this address, and at this period of the session, to encroach upon the more appropriate duties of the very able and distinguished chief magistrate of the state, whose official station I am now about to assume, by making a recommendation of any distinct legislative action, I hope I shall be pardoned for the remark, that in the practical administration of all governments, economy is one of the highest of public virtues. The essence of modern oppression, is taxation. The measure of popular liberty may be found in the amount of money which is taken from the people to support the government; when the amount is increased beyond the requirements of a rigid economy, the government becomes profligate and oppressive.

I should do injustice perhaps to the history of our state legislation, not to say, that so far, there have been but few if any gross and flagrant departures from a becoming economy in the expenditure of the public money by our state legislature. Perhaps no state in the union has heretofore found less cause of complaint of actual prodigality, and yet it is a problem of great difficulty to say, to what extent our finances may be embarrassed by the revulsions which have overtaken our State bank and its branches, in common, more or less, with every form of paper credit known to the civilized world.

Whether the paper system will ever recover from these revulsions, begins to be, with many, a matter of serious doubt; certain it is, that no one has yet been able to devise a panacea which will relieve the banks of circulation of their inherent tendency to excess of issues; and the utter hopelessness of the attempt, appears to be avowed in the effort which is now making, by a large party in the country, to cure all the evils of banking, by the establishment of a great National Institution, which shall differ from other institutions in little else, than in its greatest power to sustain a greater amount of issues. Upon this supposition, the inherent evil of paper expansion, can be cured only by lending to some one institution the credit and revenues of the federal government, which so far from restraining, will in fact give it additional powers of expansion. To this reasoning, it is unnecessary for me to say, I have never been a convert; nor can I lay claim to the wisdom of suggesting a plan of con-

ring the evils, to which all admit, the banking system, in all its forms, as heretofore carried on, is so liable. But if, in addition to the evils of an irredeemable currency, we are to be subjected to the still further misfortune of losing a portion of the capital stock of some of the branches, common prudence would suggest the propriety of at least closing such branches. To the extent that the system works well, we should not needlessly abandon it; but to the extent which it promises to prolong the evils of a continued suspension of specie payments, and at the same time to lessen our means of preserving the credit of the State, it certainly cannot be too soon abandoned.— That these objections to our State Banking system, apply with very different force, to the different branches, I am fully aware. The returns of the several branches will shew great inequality in the prudence with which they have been respectively managed.

Ardently devoted as I am to a judicious system of State Internal Improvement, and to a general diffusion of knowledge by common schools, the financial difficulties which threaten the State, will probably leave us no other duty connected with these subjects, than a faithful and economical application of existing funds, to the purposes for which they were originally intended. No one, I presume, can be so enthusiastic as to propose encouragement to those favorite purposes, by a resort to additional taxes, in the face of the financial embarrassments, which we have too much fear, will shortly overtake us.

To maintain the credit of the State, by a prompt discharge of our State debts, as they severally fall due, our great reliance must be on the industry and energy of our population, the elements of productive wealth which are presented in a genial climate, a fertile soil, great natural advantages of inland navigation, and as bountiful a variety of valuable State products, as an indulgent Providence has conferred upon any other country. That we may make the best possible application of these natural advantages, is my fervent wish, and shall be the constant object of my most faithful efforts in the public service.

A message was received from the House of Representatives by Mr Tunstall.

Mr President: The House of Representatives concur in the resolution of the Senate, proposing to go into the election of a judge of the county court of Lowndes county, and have amended the same by adding "and a Senator to the Congress of the United States;" in which they ask the concurrence of the Senate.

The question was then taken on concurring in the amendment of the House of Representatives; which was lost. Yeas 9—Nays 21.

Those who voted in the affirmative are, messrs Alston, Address, Buford, Hunter, King, Oliver, Phillips, Thornton and Womack.

Those who voted in the negative are, messrs President, Baylor, Brindley, Clarke, Creagh, Dent, Foster, Hudson, Jones, Lea, McAllister, McClanahan, McConnell, Reese, Ross, Rodgers, Toulmin, Turner, Watrous, Wilson of F. and Wilson of J.

The hour of eleven o'clock having arrived, the Senate then took up the special orders of the day.

The first special order being a bill to be entitled an act to repeal an act, entitled an act to raise a school fund in aid of valueless 16th sections in this State; which was read a second time.

Mr Rodgers moved to lay the bill upon the table; which was lost.

Mr Baylor, to refer it to the committee on education; which was carried.

A bill to be entitled an act to accept the two per cent. fund, was read a second time, and on motion of Mr Reese, laid on the table.

A bill to be entitled an act better to secure the collection of the suspended debt of the bank of the State of Alabama and its branches, was read a second time, and on motion of Mr Terry, recommitted to the committee on the State bank.

Message from the House of Representatives by Mr Tunstall.

Mr President: The House of Representatives adhere to their amendment to the resolution of the Senate proposing to go into the election of a judge of the county court of Lowndes county.

Mr Phillips moved that the Senate recede from their disagreement to the amendment of the House; which was lost. Yeas 14—Nays 15.

Those who voted in the affirmative are, messrs Alston, Address, Buford, Dent, Foster, Hudson, Hunter, King, Lea, Oliver, Phillips, Thornton, Watrous and Womack.

Those who voted in the negative are, messrs President, Baylor, Clarke, Creagh, Jones, McAllister, McClanahan, McConnell, Reese, Ross, Rodgers, Toulmin, Turner, Wilson of F. and Wilson of J.

On motion of Mr Phillips, it was ordered that a committee of conference be appointed on the subject of disagreement between the two Houses.

On motion of Mr Baylor, it was unanimously resolved, that the chairman of the committee on the State bank, be directed to address a letter of inquiry to the President of the branch bank of the State of Alabama at Decatur, and to the commissioners—inquiring of them, who were the members of the legislature, to whom the commissioners appointed to examine said bank, refer as having presented and recommended notes of insolvent persons for discount, and who used undue means to procure the same to be discounted.

On motion of Mr Jones, two hundred and fifty copies each, of the report of the President of the branch bank at Montgomery, and the report of the commissioners appointed to examine into the affairs and condition of the branch of the bank at Huntsville, were ordered to be printed.

On motion of Mr Rodgers, the vote was taken on the motion to recede from the disagreement of the Senate to the amendment of the House to the resolution proposing to go into the election of a judge of the county court of Lowndes county, on to-morrow at the hour of 12 o'clock, M. was reconsidered.

The question then recurred on receding; which was carried. Yeas 16—Nays 14.

Those who voted in the affirmative are, messrs Alston, Address, Buford, Dent, Foster, Hudson, Hunter, King, Lea, Oliver, Phillips, Ross, Rodgers, Thornton, Watrous and Womack.

Those who voted in the negative, are messrs President, Baylor, Brindley, Clarke, Creagh, Jones, McAllister, McClanahan, McConnell, Reese, Turner, Toulmin, Wilson of F. and Wilson of Jackson.

The motion heretofore made by Mr Reese, and which was postponed to Monday, 22d inst. on Mr Hudson's motion, to reconsider the vote refusing to pass the joint resolutions in relation to a survey of the county of Cherokee, was called up, by Mr Hudson, and decided in the affirmative.

The resolutions were then, on motion of Mr Foster, ordered to lie upon the table.

On motion of Mr King, the bill to be entitled an act to repeal the general ticket system for representatives in Congress from the State of Alabama, was taken from the table and placed among the orders of the day.

Mr Toulmin introduced a bill to be entitled an act to regulate and fix the fees of witnesses where the State is a party, and for other purposes; which was ordered to a second reading.

Mr Watrous introduced a bill to be entitled an act to amend the law regulating proceedings in chancery courts; which was read and ordered to a second reading.

Mr Watrous introduced a bill to be entitled an act to establish a board of commissioners for the improvement of the Cahawba river; which was read and ordered to a second reading.

Mr Thornton introduced a bill to be entitled an act to regulate writs of error; which was read and ordered to a second reading.

Mr Dent offered the following resolution:

RESOLVED, that the ninth rule for the government of the Senate be, and the same is hereby repealed; which under a rule of the Senate lays over one day.

Mr Alston offered the following resolution:

RESOLVED, that the State bank committee be instructed to inquire into the propriety of winding up the branch bank at Decatur.

Mr Dent moved to amend the resolution by striking out Decatur; which was lost. Yeas 10—Nays 19.

Those who voted in the affirmative are, messrs Baylor, Brindley, Dent, Foster, Hudson, McClanahan, Rodgers, Turner, Wilson of J. and Womack.

Those who voted in the negative are, messrs President, Alston, Address, Buford, Clarke, Creagh, Hunter, Jones, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Watrous and Wilson of F.

Mr Hudson moved to amend by adding after Decatur, "and Montgomery;" which was lost.

The question then recurred on the adoption of the resolution; which was carried. Yeas 17—Nays 12.

Those who voted in the affirmative are messrs Alston, Address, Buford, Clarke, Creagh, Hunter, King, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Watrous and Wilson of F.

Those who voted in the negative are, messrs President, Baylor, Brindley, Dent, Hudson, Jones, Lea, McClanahan, Rodgers, Turner, Wilson of J. and Womack.

Mr Buford presented the memorial of Stephen M. Ingersoll, the reading of which was dispensed with, and on motion referred to the judiciary committee.

On motion of Mr Wilson of J. the Senate then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, NOV. 24, 1841.

The Senate met pursuant to adjournment.

Mr Phillips presented the petition of George B. Evans, register in chancery, &c. the reading of which was dispensed with, and on motion referred to the committee on propositions and grievances.

Mr Foster presented the petition of sundry citizens of Cherokee county, the reading of which was dispensed with, and on motion referred to a select committee.

Whereupon messrs Foster, McConnell and Clarke were appointed said committee.

Mr Thornton, from the committee on the judiciary, to whom was referred a resolution instructing them to inquire into the expediency of amending the existing law so that a longer time shall be required before accounts and notes shall be barred from collection, reported that it was inexpedient to legislate on the subject; which on motion of Mr Creagh, was ordered to lie on the table.

Mr Thornton, from the same committee to whom was referred a bill to be entitled an act to provide books and stationery for the register of the several chancery courts in this State; as also, a resolution instructing them to inquire into the expediency of taxing suits in chancery for the benefit of sheriffs attending on the same, reported that it was inexpedient to act further on said bill and resolution, because a bill containing the same provisions as therein proposed, had already been reported from this committee to the Senate; which report was concurred in by the Senate.

Mr Thornton, from the same committee to which was referred a bill to be entitled an act to amend an act entitled an act, the more effectually to prohibit free negroes and persons of color, from entering into, and remaining in this State, approved 2d Feb. 1839, reported the same back to the Senate, with an amendment in the 6th line, by adding the word "house," after the word "custom," and recommended its passage. The amendment was concurred in by the Senate, and the bill placed among the orders of the day.

Mr Thornton, from the same committee, to which was referred a bill to be entitled an act to prevent a sacrifice of real estate, reported the same back to the Senate and recommended its passage.

On motion of Mr Lea, the bill was laid on the table, and one hundred and thirty copies thereof ordered to be printed.

Mr King introduced a bill to be entitled an act to provide for holding the circuit courts in certain counties; which was read and ordered to a second reading.

Mr Turner presented the report of the commissioners appointed to examine into the affairs and condition of the Planters and Merchants bank of Mobile; which was read, and on motion of Mr Hudson, ordered to lie upon the table.

Mr Jones moved to print two hundred and fifty copies of the report; which was carried.

Mr Creagh introduced a bill to be entitled an act to incorporate the Stockton steam-boat and ware-house company, in the county of Baldwin; which was read and ordered to a second reading.

Message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have adopted resolutions in relation to the north eastern boundary question.

Resolutions from the House of Representatives relating to the north-eastern boundary, was read, and on motion of Mr Creagh, referred to the committee on federal relations.

Engrossed bill to be entitled an act to reduce or increase the width of lanes, was read a third time and passed.

Ordered, that the title of the same remain as aforesaid.

A bill from the House of Representatives to be entitled an act to provide for working on roads on beat lines, and for other purposes, was read a second time, and on motion of Mr King, referred to the committee on roads, bridges and ferries.

A bill from the House of Representatives to be entitled an act for the relief of tales jurors, was read a second time and ordered to a third reading.

The amendment to a bill to be entitled an act to repeal the general ticket system in elections for Representatives in Congress from the State of Alabama was adopted; the bill was then read a second time, and on motion of Mr Dent, the further consideration thereof was postponed until Monday next, and made the special order of the day for 11 o'clock.

A bill to be entitled an act to regulate, and fix the fees of witnesses where the State is a party, and for other purposes, was read a second time, and on motion of Mr Hudson referred to the committee on the judiciary.

A bill to be entitled an act to amend the law regulating proceedings in chancery courts, was read a second time, and on motion of Mr Watrous, referred to the committee on the judiciary.

A bill to be entitled an act to establish a board of commissioners for the improvement of the Cahawba river, was read a second time, and on motion of Mr Watrous, referred to the committee on internal improvement and inland navigation.

A bill to be entitled an act to regulate writs of error, was read a second time, and on motion referred to the committee on the judiciary.

A bill from the House of Representatives to be entitled an act to amend an act entitled an act to prohibit free negroes and persons of color from entering into and remaining in this State, approved 2nd February, 1839, was read a third time and passed.

Ordered that the title of the same remain as aforesaid.

The resolution offered on yesterday by Mr Dent, to repeal the 9th rule for the government of the Senate, was taken up and adopted.—Yeas 17,—Nays 12.

Those who voted in the affirmative are, Messrs President, Alston, Andrews, Baylor, Brinley, Buford, Clarke, Dent, Foster, King, Lea, McAllister, Phillips, Rodgers, Thornton, Wilson of F. and Wilson of J.

Those who voted in the negative are Messrs Creagh, Hudson, Jones, McClanahan, McConnell, Oliver, Reese, Ross, Toulmin, Turner, Watrous and Womack.

The hour of eleven o'clock having arrived, the Senate took up the special order of the day, which was joint resolutions in relation to the distribution of the proceeds of the public lands. Mr Hudson's motion to disagree to the report of the committee being under consideration.

Message from the House of Representatives by Mr Tunstall.

Mr PRESIDENT: The House have adopted the following resolution:

RESOLVED: that the Senate be now invited into the Hall of the House for the purpose of going into the election of judge of the county court of the county of Lowndes, and a Senator to the Congress of the United States, to fill the vacancy occasioned by the resignation of the Hon. C. C. Clay.

On motion of **Mr Hudson**, the further consideration of the resolutions in relation to the act of Congress, for the distribution of the proceeds of the sales of the public lands among the States, was postponed for the present.

The Senate then, in accordance with the invitation which they had received from the House, repaired to the Hall of the House of Representatives, and were seated.

Mr President arose and announced the object of the meeting of the two houses.

The two Houses then proceeded to the election of a judge of the county court of Lowndes.

Messrs **A. J. McGehee**, **J. Mushat**, **R. H. Stanley**, **W. B. Johnson** and **T. M. Williams**, being in nomination.

Those who voted for **Mr McGehee** are messrs **Alston**, **Andress**, **Buford**, **Clarke**, **Dent**, **Foster**, **Hudson**, **Hunter**, **King**, **Lea**, **McVay**, **Oliver**, **Phillips**, **Ross**, **Thornton**, **Watrous** and **Womack**, of the Senate; and messrs **Barker**, **Barron**, **Bradley**, **Broughton**, **Chiles**, **Covington**, **Crenshaw**, **Davis** of B., **Erwin**, **Gardner**, **Gresham**, **Griffin** of S., **Harris**, **Henry**, **Hutchinson**, **Jones** of Cov., **Jefferson**, **R. McAlpin**, **S. McAlpin**, **Mason**, **McLemore**, **Mitchell**, **Mundy**, **Norris**, **Perkins**, **Rhodes**, **Rushing**, **Smith** of H., **Smith** of T., **Spruill**, **Steele**, **Stinson**, **Taylor**, **Walker** of B., **Wallace**, **Ware** and **Young**—55.

Those who voted for **Mr Mushat** are messrs **Baylor**, **Brindley**, **Creagh**, **McAllister**, **McConnell** and **Wilson** of J. of the Senate; and messrs **Griffin** of J., **Griffin** of M., **Hogan**, **Hunter**, **James**, **Justice**, **King**, **McAllister**, **McMillion** of B., **Moore**, **Morgan**, **Musgrove**, **Rushing**, **Scott**, **Winston** and **Yancy**—22.

Those who voted for **Mr Stanley** are messrs **McClanahan** and **Rodgers** of the Senate—2.

Those who voted for **Mr Johnson** are messrs **President**, **Turner** and **Wilson** of F. of the Senate; and messrs **Speaker**, **Armbrister**, **Bishop**, **Fletcher**, **Haughton**, **Heflin**, **Jones** of M., **Marchbanks**, **Phillips**, **Randolph**, **Reynolds**, **Smith** of J., **Storrs**, **Valliant**, **Walker** of L. and **Wynn** of the House—19.

Those who voted for **Mr Williams** are, messrs **Jones**, **Reese**, and **Toulmin**, of the Senate; and messrs. **Alexander** of **Lauderdale**, **Alexander** of **Low**, **Allen**, **Barleson**, **Cain**, **Clemens**, **Cochran**, **Davenport**, **Davis** of **Libb**, **Garland**, **Hammond**, **Henslee**, **Houston**, **Jones** of **Covington**, **Kennedy**, **Kidd**, **B. McAlpin**, **McLeod**, **McMillion** of J., **Moore**, **Norman**, **Norwood**, **Rice**, **Rodgers**, **Smith** of L., **Strode**, **Troup** and **Woodward**, of the House—31.

Neither having received a majority, the two houses proceeded to ballot a second time, the name of **Stanley** having been withdrawn.

Those who voted for **Mr McGehee** are, messrs **Andress**, **Clarke**, **Creagh**, **Dent**, **Hudson**, **Hunter**, **King**, **Lea**, **McVay**, **Oliver**, **Phillips**, **Ross**, **Thornton**, **Watrous** and **Womack**, of the Senate; and Messrs **Barker**, **Bradley**, **Barron**, **Broughton**, **Chiles**, **Covington**, **Crenshaw**, **Crawford**, **Davenport**, **Davis** of B., **Erwin**, **Gardner**, **Garland**, **Griffin** of M., **Griffin** of S., **Harris**, **Henry**, **Hutchinson**, **Jones** of Cov., **Jefferson**, **Jemison**, **R. McAlpin**, **S. McAlpin**, **McLemore**, **Mitchell**, **Moors**, **Mundy**, **Norris**, **Norwood**, **Rhodes**, **Scott**, **Smith** of T., **Spruill**, **Storrs**, **Stinson**, **Walker** of B., **Wallace**, **Ware** and **Young**—55.

Those who voted for **Mr Mushat** are, messrs **Baylor**, **Brindley**, **McClanahan**, **McConnell**, and **Rodgers**, of the Senate; and messrs **Hogan**, **Hunter**, **Justice**, **McAllister**, **McMillion** of B., **McMillion** of J., **Morgan**, **Musgrove**, **Randolph**, **Smith** of H., **Walker** of L., **Winston** and **Yancy**, of the House—18.

Those who voted for Mr Johnson are messrs President and McAllister, of the Senate; and messrs Speaker, Armbrister, Bishop, Fletcher, Haughton, Heflin, Jones of M., Marchbanks, Reynolds, Smith of J. and Wynn of the House—13.

Those who voted for Mr Williams are, Messrs Buford, Foster, Jones, Reese, Toulmin, Turner and Wilson of J. of the Senate; and messrs Alexander of Laud., Alexander of Lowndes, Allen, Burleson, Cain, Clemens, Cochran, Davis of L., Gresham, Griffin of J., Hammond, Henslee, Houston, James, Jones of Cov., Kennedy, Kidd, King, B. McAlpin, McLeod, Moore, Norman, Phillips, Rice, Rhodes, Rushing, Smith of L., Steele, Strode, Taylor, Troup, Valiant and Woodward—40

Neither having received a majority the two Houses proceeded to ballot a third time, the name of Mr Mushat being withdrawn.

Those who voted for Mr Johnson are Messrs Speaker and Wynn, of the House of Representatives—2.

Those who voted for Mr McGehee are, messrs Alston, Address, Clarke, Creagh, Dent, Hudson, Hunter, King, Lea, McVay, Oliver, Phillips, Ross, Thornton, Watrous and Womack, of the Senate; and Messrs Barker, Barron, Bracey, Broughton, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Gardner, Gresham, Griffin of M., Griffin of S., Hartis, Henry, Hutchinson, Jones of Cov., Jefferson, Jemison, Justice, Mason, R. C. McAlpin, S. McAlpin, McLemore, Mitchell, Moore, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of T., Spruill, Storrs, Stinson, Walker of B., Wallace, Ware and Young—59

Those who voted for Mr Williams are Messrs President, Baylor, Brindley, Buford, Foster, Jones, McAllister, McClanahan, McConnell, Reese, Rodgers, Toulmin, Turner, Wilson of F. and Wilson of J., of the Senate; and Messrs Alexander of Laud., Alexander of Lowndes, Armbrister, Bishop, Burleson, Cain, Clemens, Cochran, Davis of B., Fletcher, Garland, Griffin of J., Hammond, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, Jones of Cov., James, Jones of M., Kennedy, Kidd, King, Marchbanks, B. McAlpin, McAllister, McLeod, McMillion of B., McMillion of J., Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of H., Smith of J., Smith of L., Steele, Strode, Taylor, Troup, Valiant, Walker, Winston, Woodward and Yancy—68.

Mr Williams having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court of Lowndes county, for the term prescribed by law.

The two Houses next proceeded to the election of a Senator to the Congress of the United States, to fill the vacancy occasioned by the resignation of the Hon. C. C. Clay.

Messrs A. P. BAGBY, DAVID HUBBARD, DAVID MOORE and JACK SHACKELFORD, being in nomination.

Those who voted for Mr Bagby are, Messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Reese, Toulmin, Turner and Wilson of F., of the Senate; Messrs Alexander of Laud., Allen, Bishop, Burleson, Cochran, Garland, Hammond, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, James, Jones of Cov., Jones of M., Justice, Kennedy, Marchbanks, McAllister, B. McAlpin, McLeod, McMillion of B., McMillion of J., Moore, Morgan, Musgrove, Nor-

man, Phillips, Randolph, Reynolds, Rodgers, Rushing, Smith of H., Smith of L., Smith of T., Steele, Strode, Taylor, Walker of B., Winston, Woodward, Wynn and Yancy, of the House—59.

Those who voted for Mr Hubbard are, messrs McClanahan, Rodgers and Wilson of J., of the Senate; messrs Davis of L. and Valliant, of the House of Representatives—5.

Those who voted for Mr Shackelford are, messrs Barker, Crenshaw, Rice and Walker of L., of the House—4.

Those who voted for Mr Moore are messrs Alston, Andress, Buford, Hunter, Dent, King, Lea, Oliver, Phillips, Ross, Thornton, Watrous and Womack, of the Senate; and messrs Alexander of Lowndes, Armbrister, Barron, Bradley, Broughton, Cain, Chiles, Clemens, Covington, Crawford, Davenport, Davis of B., Erwin, Fletcher, Gardner, Gresham, Griffin of J., Griffin of M., Griffin of S., Harris, Henry, Hutchinson, Jones of Cov., Jefferson, Jemison, Kidd, King, Mason, R. McAlpin, S. McAlpin, McLemore, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of J., Spruill, Storrs, Stinson, Troup, Wallace, Ware and Young, of the House—60.

Neither gentleman having received a majority of the whole number of votes cast, the two Houses proceeded to ballot again.

Those who voted for Mr Bagby are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McConnell, McVay, Reese, Toulmin, Turner, Wilson of F. and Wilson of J., of the Senate; and messrs Alexander of Lauderdale, Alexander of Lowndes, Allen, Bishop, Burleson, Cochran, Fletcher, Garland, Griffin of J., Hammond, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, James, Jones of Cov., Jones of M., Justice, Kennedy, King, Marchbanks, McAllister, B. McAlpin, McLeod, McMillion of B., McMillion of J., Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rodgers, Rushing, Smith of H., Smith of L., Smith of T., Steele, Strode, Taylor, Troup, Walker of B., Winston, Woodward, Wynn and Yancy, of the House—66.

Mr Walker of L. voted for Mr Shackelford.

Those who voted for Mr Hubbard are, Messrs. Rogers of the Senate; and Davis of L. and Valliant, of the House—3.

Those who voted for Mr Moore are Messrs Alston; Andress, Buford, Dent, Hunter, King, Lea, Oliver, Phillips, Ross, Thornton, Watrous and Womack, of the Senate; and Messrs Armbrister, Barker, Barron, Bradley, Broughton, Cain, Chiles, Clemens, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Ford, Gardner, Gresham, Griffin of M., Griffin of S., Harris, Henry, Hutchinson, Jones of Cov., Jefferson, Jemison, Kidd, Mason, R. McAlpin, S. McAlpin, McLemore, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Rice, Rhodes, Scott, Smith of J., Spruill, Storrs, Stinson, Wallace, Ware and Young, of the House—59.

Mr Bagby having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected Senator, to fill the vacancy of the Hon. C. C. Clay, resigned.

The Senate then withdrew from the hall of the House and repaired to their chamber.

Mr President resumed the chair and called the Senate to order. On motion of Mr Hunter, the Senate then adjourned until to-morrow morning 10 o'clock.

THURSDAY, NOV. 25, 1841.

The Senate met pursuant to adjournment.

Mr Foulmin, chairman of the State bank committee, presented to the Senate the answers of James Fennell, President of the branch bank of the State of Alabama at Decatur, and Robert Fenner, chairman of the board of the commissioners appointed to examine into the affairs of the said branch bank, to certain interrogatories propounded to them, in obedience to a resolution of the Senate; which were read, and on motion of Mr Reese, ordered to lie upon the table.

Mr Phillips, from the select committee to whom was referred a bill from the House of Representatives in relation to the Planters and Mercants bank of Mobile, reported the same back to the Senate, amended as therein shewn, and recommended its passage.

The amendment was adopted by the Senate, and the bill read a second time and ordered to a third reading.

Mr Jones introduced a bill to be entitled an act to regulate the purchase of bills of exchange by the branch of the bank of the State of Alabama at Mobile; which was read and ordered to a second reading.

Mr Oliver introduced a bill to be entitled an act to authorise the executors of David White, deceased, to administer said decedents estate in the county courts of certain counties therein named; which was read and ordered to a second reading.

Mr Foster introduced a bill to be entitled an act to establish jury trials in justices courts, and to regulate the proceedings therein; which was read a first time, and on motion of Mr Reese, the constitutional rule being dispensed with, the bill was read a second time and referred to the committee on the judiciary.

Mr McConnell presented the petition of Robert Nelson, of Talladega, the reading of which was dispensed with, and on motion referred to the committee on Indian expenditures.

Mr Buford presented the account of David Covington, the reading of which was dispensed with, and on motion referred to the committee on Indian expenditures.

Mr Wilson of J., presented the account of Joiner Greeley, the former jailor of Jackson county, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr Foster presented an account providing for the payment of the burial expenses of John H. Garrett; the reading of which was dispensed with, and on motion referred to the committee of accounts and claims.

Mr Alston introduced a bill to be entitled an act to incorporate the Magnolia male and female academy, in the county of Marengo; which was read and ordered to a second reading.

Mr Creagh, from the select committee to whom was referred a bill to be entitled an act to repeal in part and amend an act entitled an act to wind up the land office at Courtland, approved Jan. 9, 1841, reported that it was inexpedient to pass the same.

The Senate refused to concur in the report, and the bill was placed among the orders of the day.

The Senate then resumed the consideration of the joint resolution in relation to the act of the Congress of the United States, distributing the proceeds of the sales of the public lands among the States, and granting pre-emption rights to settlers; the question being on Mr Hudson's motion to disagree to the report of the committee, and after considerable discussion was had thereon, the Senate, on motion of Mr Jones, adjourned until to-morrow morning 10 o'clock.

FRIDAY, Nov. 26, 1841.

The Senate met pursuant to adjournment.

Mr Toulmin, from the State bank committee, to whom was referred a resolution instructing them to inquire into the expediency of passing a law preventing any extra pay being allowed any cashier, clerk, agent, or bank attorney in the bank of the State of Alabama or any of its branches, and of making any President or Director who may vote for such extra allowance, liable for the same, &c. reported a bill to be entitled an act to prohibit an increase of salary to any officer of the State bank or either of its branch banks; which was read and ordered to a second reading.

Mr Toulmin, from the same committee to whom was referred a bill to be entitled an act, better to secure the collection of the suspended debt of the bank of the State of Alabama and its branches, reported the same back to the Senate without amendment, and recommended its passage. The bill was then placed among the orders of the day.

Mr Baylor, from the committee on education, to whom was referred a bill to be entitled an act to raise a school fund for the benefit of the poor, and in aid of valueless 16th sections, reported the same back to the Senate, amended as therein shewn, and recommended its passage.

The amendment proposed by the committee were adopted by the Senate, and the bill, on motion of Mr Creagh, was ordered to lie upon the table.

Mr Jones, from the committee on education, to whom was referred a bill to be entitled an act to repeal an act, entitled an act to raise a school fund to aid the valueless 16th sections in this State, reported the same back to the Senate without amendment, and recommended its passage.

The bill, on motion of Mr Hudson, was indefinitely postponed. Yeas 16—Nays 11.

Those who voted in the affirmative are, messrs President, Address, Brindley, Clarke, Foster, Hudson, King, Lea, McAllister, McClanahan, McConnell, Reese, Rodgers, Turner, Wilson of J. and Womack.

Those who voted in the negative are, messrs Akston, Baylor, Creagh, Hunter, Jones, Oliver, Phillips, Thornton, Toulmin, Watrous and Wilson of F.

A message was received from his Excellency the Governor by Mr Garrett, Secretary of State.

Mr President: His excellency the Governor this day approved a bill to be entitled an act to appoint commissioners to superintend the sale of lots in the town of Warrenton, in the county of Marshall, and for other purposes, which originated in the Senate.

A message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have adopted the memorial from the Senate in relation to a land district in the Cherokee part of Alabama, and have amended it as therein shewn.

They concur in the amendment made by the Senate to the bill to prevent free persons of color from entering into and remaining in this State.

They have adopted joint resolutions upon the laws regulating postage.

In which the concurrence of the Senate is respectfully asked.

The amendment of the House to the joint resolutions of the Senate in relation to a land district in the Cherokee part of Alabama, was concurred in.

Joint resolutions from the House of Representatives upon the law regulating postage, were read and adopted.

Ordered, that the title remain as aforesaid, and that the Senate be acquainted therewith.

On motion of Mr Creagh, the bill to be entitled an act to raise a school fund for the benefit of the poor, and in aid of valueless 16th sections, was taken from the table.

Mr Jones offered the following amendment, to come in at the end of the 1st section, to wit:

Provided, however, that the said banks shall be only required to set apart any profit which they may have for this purpose, over and above their expenses; which was rejected. Yeas 13—Nays 15.

Those who voted for its adoption are, messrs Alston, Baylor, Creagh, Hunter, Jones, Oliver, Phillips, Ross, Thornton, Toulmin, Turner, Watrous and Wilson of F.

Those who voted in the negative are, messrs President, Address, Brindley, Clarke, Foster, Hudson, King, Lea, McClanahan, McConnell, Rodgers, Wilson of J. and Womack.

Mr Buford offered further to amend, by striking out the words, one hundred thousand dollars, wherever they occur, and inserting in lieu thereof, two hundred thousand dollars.

Mr Creagh called for a division of the question; which was first taken on striking out, and lost. Yeas 10. Nays 18.

Those who voted in the affirmative are, messrs Alston, Brindley, Buford, Creagh, Hunter, McConnell, Oliver, Phillips, Thornton, and Toulmin.

Those who voted in the negative are, messrs President, Address, Baylor, Clarke, Foster, Hudson, Jones, King, Lea, McAllister, McClanahan, Ross, Rodgers, Turner, Watrous, Wilson of F., Wilson of J. and Womack.

Mr Address, from the committee on propositions and grievances, to which was referred the petition of S. G. K. Shannon, reported, that it was inexpedient to grant the prayer of said petitioner; in which the Senate concurred.

Mr McConnell, from the committee on county boundaries, to which was referred the petition and counter petition, of sundry citizens of Bibb county, reported, that it was inexpedient to grant the prayer of said petitioners; in which the Senate concurred.

Mr Address, from the committee on propositions and grievances, to which was referred the petition of Bethel Harris, reported a bill, and recommended its passage, which was read and ordered to a second reading.

Mr Address, from the same committee, to which referred the accounts of George R. Evans, Register in Chancery, reported the same back to the Senate, and asked its reference to the committee on accounts and claims; in which the Senate concurred.

Mr Baylor presented the memorial of Dorcas M., Eliza Jones and Isabella

Beck, the reading of which was dispensed with, and on motion, referred to the committee on the State bank.

On motion of Mr McConnell, the resolutions from the House of Representatives, in relation to the frauds alleged to have been committed upon the State bank and branches, was taken from the table.

Mr Buford offered the following amendment to said resolutions, to wit:

Be it further resolved, that any person may exhibit before said committee, or any one or more of them, specifications against any person or persons, suspected of communion with, or participation in any fraud upon said bank or branches, designating the particular charges; and such member, or members, shall proceed to notify the party charged, and hear witnesses for both parties.

Mr Jones moved to refer the resolutions, together with the amendment, to the committee on the State bank, which was lost.—Yeas 7, Nays 22.

Those who voted in the affirmative, are Messrs President, Brindley, Jones, King, McClanahan, Oliver and Thornton.

Those who voted in the negative are Messrs Alston, Address, Baylor, Buford, Clarke, Creagh, Foster, Hudson, Hunter, Lea, McAllister, McConnell, Phillips, Reese, Ross, Rodgers, Toulmin, Turner, Watrous, Wilson of F., Wilson of J. and Womack.

The question then recurred upon the adoption of the amendment of Mr Buford, which was unanimously adopted. Yeas 29.

Those voting in the affirmative are Messrs President, Alston, Address, Baylor, Brindley, Buford, Clarke, Creagh, Foster, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Resse, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of F., Wilson of J. and Womack.

Mr Jones offered the following amendment, to wit:

With power to set during recess, and report to this or the next session of the Legislature.

On motion of Mr Hudson, the resolutions, together with the amendment, were postponed until to-morrow.

Mr Buford presented the petition of Ellison Warren, the reading of which was dispensed with, and on motion, referred to the committee on propositions and grievances.

Mr Lea introduced a bill to be entitled an act to limit the time for presenting claims against estates, for debts contracted without this State, or within this State, after the removal of disabilities, which was read and ordered to a second reading.

Mr Lea introduced a bill to be entitled an act to amend an act entitled an act to incorporate the Marion Female association, approved January 9th, 1841, which was read and ordered to a second reading.

Mr Jones moved that when the Senate adjourned, it would adjourn to meet again this evening, at 3 o'clock, which was lost.

Mr Alston presented a communication from John Beard, the reading of which was dispensed with, and on motion, referred to the committee on Internal Improvement and Inland Navigation.

On motion of Mr Toulmin, **RESOLVED**, that so much of the report of the cashier of the branch of the bank of the State of Alabama at Mobile, as relates to the liabilities of the Hon. Daniel B. Turner, Senator from Madison

county be erased, in as much as a recent communication from the cashier, shows that the name of Daniel B. Turner, ought not to have been embraced in said report,—said cashier having ascertained that D. B. Turner, whose liability he reported, is David B. Turner of the county of Marengo.

Mr Jones introduced a bill to be entitled an act to compel the commissioners and officers of the different banks in this State to make their reports according to law, which was read and ordered to a second reading.

Mr Jones introduced a bill to be entitled an act in relation to damages in the supreme court, which was read and ordered to a second reading.

Mr Brindley introduced a bill to be entitled an act for the benefit of T. G. K. Shannon, which was read and ordered to a second reading.

Mr Wilson of J., introduced a bill to be entitled an act to authorize the tax collector of Jackson county, to receive jury certificates and State claims, in payment of taxes, due said county, which was read and ordered to a second reading.

Mr King introduced a bill to be entitled an act to authorise the State bank and its several branches, to appoint bank marshalls; which was read and ordered to a second reading.

Mr Watrous introduced a bill to be entitled an act to repeal an act therein named, which was read and ordered to a second reading.

The Senate then took up the orders of the day.

Joint resolutions in relation to the act of the Congress of the U. States, distributing the proceeds of the sales of the public lands, among the States, and granting pre-emption rights to settlers: and the motion of Mr Hudson to disagree to the report of the committee on said resolutions being under consideration.

On motion of Mr Jones, the Senate then adjourned until to-morrow morning 10 o'clock.

SATURDAY, NOV. 27, 1841.

The Senate met pursuant to adjournment.

Mr Dent presented the petition of sundry citizens of Tuskaloosa, which was read, and on motion, referred to the committee on military affairs.

Mr Reese presented the chart of the Gulf of Mexico, which, on his motion, was ordered to lie upon the table.

Mr Hudson, from the committee on Federal Relations, to whom was referred resolutions from the House of Representatives, relating to the north eastern boundary question, reported the same back to the Senate, for their consideration, with sundry amendments as therein shewn, which were concurred in; the resolutions as amended, were then adopted.

Mr Lea, from the committee on internal improvements and inland navigation, to whom was referred a bill to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Cahawba river, reported a substitute for said bill, to be entitled an act for the improvement of the navigation of the Cahawba river, and recommended its passage. The substitute was adopted by the Senate, and ordered to be engrossed for a third reading.

Mr Alston, from the committee on divorce and alimony, to whom was referred a bill to be entitled an act for the benefit of Sally Partain, wife of James Partain, of Blount county, reported the same back to the Senate, and asked leave to be discharged from the further consideration thereof, which was granted.

Mr Alston presented the account of John P. Blass, jailor of Marengo county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Andress, from the committee on propositions and grievances, to which was referred the memorial of Alexander Watson, late collector of Talladega county, reported that it was inexpedient to legislate further on the subject.

On motion of Mr McConnell, the report was laid on the table.

Mr Alston introduced a bill to be entitled an act to regulate injunctions in certain cases, which was read and ordered to a second reading.

Mr Wilson of F., introduced a bill to be entitled an act to prevent frauds on the State bank and its several branches, which was read and ordered to a second reading.

Mr Dent introduced a bill to be entitled an act to amend an act, entitled an act to incorporate the Tuscaloosa Guards, which was read a first time, and the constitutional rule being dispensed with it was read a second time, and on motion of Mr Dent, referred to the committee on military affairs.

Mr Phillips, from the committee on federal relations, to which was referred a joint resolution of the General Assembly of the State Indiana relative to the election of President and Vice President of the U. States, reported joint resolutions responsive to the same, and recommended their adoption, which on motion of Mr Hudson, was postponed until Tuesday next.

Mr Hudson from the committee on federal relations to whom was referred certain resolutions from the State of Indiana, and from the Commonwealth of Massachusetts, on the subject of the North-Eastern boundary question; reported, that the subject matter contained in said resolutions is now before the Senate, in a set of resolutions from the House of Representatives; the committee therefore ask leave to be discharged from the further consideration thereof; in which the Senate concurred.

Mr McConnell introduced a bill to be entitled an act for the relief of Robert Douglass, which was read and ordered to a 2d reading.

Mr Andress presented the account of Asa Parker, jailor of Monroe county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr McAllister from the committee on Indian expenditures, to whom was referred the accounts of Robert Nelson, David Covington and G. Jenkins, reported a bill to be entitled an act to provide for the payment of provisions furnished for the use of the troops while in the service of the United States, which was read and ordered to a second reading.

Message from the House of Representatives, by Mr Cook.

Mr President: The House of Representatives have read a third time and passed bills, which originated in the House of Representatives, of the following titles, to wit:

An act for better securing mechanics in the city and county of Mobile.

An act to regulate the proceedings of the circuit court of Montgomery county, and for other purposes.

An act to reduce the fees of county court clerks, in certain cases therein named, and

An act to extend the jurisdiction of justices of the peace, in certain cases; in which they ask the concurrence of the Senate.

Bills from the House of Representatives of the following titles, to wit:

An act to extend the jurisdiction of justices of the peace, in certain cases.

An act for the better securing mechanics in the city and county of Mobile.

An act to regulate the proceedings of the circuit court of Montgomery county, and for other purposes.

An act to reduce the fees of the county clerks, in certain cases therein named, were severally read and ordered to a second reading.

Mr Andress presented the account of W. Minns, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

On motion of Mr McCannell: **RESOLVED**, that the committee on retrenchment inquire into expediency of reducing and defining the fees of the clerks and judges of the county courts and registers in chancery.

On motion of Mr McConnell, the Senate then took up the resolutions from the House of Representatives, in relation to the frauds alleged to have been committed on the bank of the State of Alabama and its several branches. The question being on the adoption of the amendment heretofore offered by Mr Buford, which amendment by leave of the Senate, was withdrawn.

Mr McConnell moved to strike out the third resolution, which was carried.

On motion of Mr Phillips, the resolutions were further amended by striking out that portion of the second resolution, which provides for the compensation of sheriffs, deputy sheriffs and constables for serving process, issued by the committee. The resolutions as amended, were then adopted, and messrs McConnell, Reese, Baylor, Buford and Hudson were appointed a committee on the part of the Senate.

The hour of 11 o'clock, having arrived, the Senate resumed the consideration of the joint resolutions in relation to the act of Congress of the United States, distributing the proceeds of the sales of the public lands; the question being on Mr Hudson's motion to disagree to the report of the committee.— After some time being spent in the discussion of said resolutions, they were on motion of Mr Hudson, postponed until Monday next, and made the special order for that day at 11 o'clock.

Mr Hudson, from the committee on federal relations, to whom was referred a bill to be entitled an act in relation to the dividend of this State in the public land fund, reported the same with sundry amendments as therein shewn, for the consideration of the Senate.

The report, on motion of Mr Hudson, was ordered to lie on the table.

Mr Terry offered the following preamble and joint resolutions, to wit:

Whereas, the people of this State viewing the bankrupt law of the late extra session of Congress as a measure of wild impolicy, and of gross injustice, and entertaining serious fears of its operation upon the great interest they have at stake in their banking institutions, by depriving them of their only means, apart from onerous taxation, of redeeming the bonds of the State, and thereby saving inviolate their plighted faith:

Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in general Assembly convened, that our Senators are hereby instructed, and our Representatives requested, to use their best endeavors to procure an immediate repeal of the bankrupt law; and in the event of their not being able to procure its repeal, they are alike instructed and requested to use their like endeavors to have the debtors to the bank of the State of Ala-

bama and the several branches thereof, exempted from the provisions of said law; so far as it relates to their debts due to said bank and branches.

And be it further resolved, by the authority aforesaid, that the Governor of this State is hereby requested to forward a copy of this preamble and resolution to each of our Senators and Representatives in Congress.

Mr Phillips called for a division of the question for the purpose of taking the vote separately upon the two propositions contained in the first resolution.

Mr Oliver moved to refer the resolutions to the judiciary committee, and the question being taken thereon, it was lost. Yeas 9—Nays 17.

Those who voted in the affirmative are, messrs Address, Buford, Dent, Hunter, Lea, Oliver, Phillips, Ross and Watrous.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, Reese, Rodgers, Thornton, Toulmin, Turner and Wilson of F.

Mr Buford offered the following amendment, to wit: Strike out all of the preamble and insert in lieu thereof, "that said measure may make some political capital for the party that passed it."

Mr Dent moved to adjourn; which was lost. Yeas 11—Nays 15.

Those who voted in the affirmative are, messrs Address, Buford, Dent, Hunter, Lea, McConnell, Oliver, Phillips, Ross, Thornton and Watrous.

Those who voted in the negative are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, Reese, Rodgers, Toulmin, Turner and Wilson of F.

On motion of Mr McConnell, the further consideration of the subject was postponed until Tuesday next, and made the special order for 11 o'clock of that day.

On motion of Mr Reese, the bill to be entitled an act to accept the two per cent. fund, was taken from the table and placed among the orders of the day.

On motion of Mr Buford, the Senate then adjourned until Monday morning 10 o'clock.

MONDAY, Nov. 29, 1841.

The Senate met pursuant to adjournment.

Mr Clarke presented the petition of sundry citizens of Benton county, the reading of which was dispensed with, and on motion referred to the committee on the State bank.

Mr Toulmin, from the committee on the judiciary, to which was referred a bill to be entitled an act to regulate and fix the fees of witnesses when the State is a party, reported the same back to the Senate without amendment, and recommended its passage.

The bill was placed among the orders of the day.

Mr Thornton, from the same committee to which was referred a bill to be entitled an act to amend the law regulating proceedings in chancery courts, reported that it was inexpedient to enact the same; which, on motion of Mr Lea, was ordered to lie on the table.

Mr Hudson, from the committee on accounts and claims, to whom was referred the account of George R. Evans, register in chancery at Cahawba, for articles furnished said office, reported that it was inexpedient to allow the same; in which the Senate concurred.

Mr Hudson, from the same committee to whom was referred the account

of George Dickey, for collecting muskets, reported that the account was not properly a State charge, and therefore ought not to be allowed; in which the Senate concurred.

Mr Hudson, from the same committee to whom was referred the petition of Thomas P. Sims, jailor of Lowndes county, praying that an allowance of not less than two hundred dollars, be made him for extra services as jailor aforesaid, reported that it was not properly a State charge, and therefore ought not to be allowed; in which the Senate concurred.

Mr Hudson, from the same committee to whom was referred the account of H. A. Dufrise, of Talladega, for making sundry articles for the use of a company of volunteers, reported that it was not a claim that ought to be allowed; in which the Senate concurred.

Mr Turner, from the committee on the judiciary, to whom was referred a bill to be entitled an act to regulate writs of error, reported the same back to the Senate without amendment, and recommended its passage.

The bill was then placed among the orders of the day.

Mr Womack introduced a bill to be entitled an act to authorise the election of a justice of the peace in the town of Greenville, Butler county; which was read and ordered to a second reading.

Mr Toulmin, chairman of the committee on the State bank, to whom was referred a resolution instructing him to inquire of the cashier of the bank of the State of Alabama and the several branch banks thereof, the amount and description of property purchased by said banks, &c. &c. laid before the Senate in obedience to said resolution, communications from the cashiers of the banks aforesaid, on that subject; the reading of which was dispensed with, and on motion of Mr Hudson, ordered to lie upon the table.

Mr President laid before the Senate the annual report of the Comptroller of public accounts, the reading of which was dispensed with, and on motion of Mr Hudson, laid on the table, and one hundred and thirty-three copies thereof ordered to be printed.

On motion of Mr Hall, the bill to be entitled an act fixing the time for holding justices courts in the counties of Coosa and Autauga, and for other purposes, was taken from the table and placed among the orders of the day.

Mr Baylor presented the petition of Elizabeth Thrasher, of St. Clair county, the reading of which was dispensed with, and on motion referred to the committee on propositions and grievances.

Mr Jones moved to suspend the special order; which was carried.

The Senate then took up the regular orders of the day.

A bill from the House of Representatives to be entitled an act for the relief of tales jurors, in the county of St. Clair and other counties was read a third time.

Mr McConnell offered an additional section; which was adopted.

The bill as amended was passed by the Senate.

Ordered, that the title remain as aforesaid.

A bill to be entitled an act to provide for holding the circuit courts of certain counties, was read a second time, and on motion of Mr Wilson of F., ordered to lie on the table.

A bill to be entitled an act to incorporate the Stockton steam-boat and ware-house company of the county of Baldwin, was read a second time.

Mr Baylor moved to postpone the bill until Saturday next; which was lost.

The bill was then, on Mr Baylor's motion, referred to the judiciary committee.

Bills from the House of Representatives of the following titles, to wit:

An act to amend the charter of the Planters and Merchant bank of Mobile.

An act to repeal in part and amend an act entitled an act to wind up the Courtland land office, approved January 9, 1841, were each read a third time and passed.

Ordered, that the titles of the same remain as aforesaid.

A message was received from his Excellency the Governor by Mr Garrett.

EXECUTIVE DEPARTMENT,

Tuscaloosa, Nov. 29, 1841. }

To the President of the Senate:

SIR: I have the honor to communicate to your honorable body, the resignation of James E. Belser, Esq. solicitor of the 8th judicial circuit, to take effect after the 5th December next.

BEN. FITZPATRICK.

Engrossed bill to be entitled an act for the benefit of the poor, and in aid of valueless 16th sections, was read a third time, and on motion of Mr Dept, postponed until Wednesday next, and made the special order for 11 o'clock of that day.

A bill to be entitled an act to regulate the purchase of bills of exchange by the branch of the bank of the State of Alabama at Mobile, was read a second time.

Mr Creagh offered the following amendment to come in at the end of the bill, to wit: "And that at two thirds of its estimated value."

On motion of Mr Creagh, the bill, together with the amendment, was referred to the committee on the State bank.

A bill to be entitled an act to authorise the executors of David White, deceased, to administer said decedents estate in the county courts of certain counties therein named, was read a second time, and on motion of Mr Hudson, referred to the committee on the judiciary.

A bill to be entitled an act to incorporate the Magnolia male and female academy in the county of Marengo, was read a second time, and on motion of Mr Hudson, referred to the committee on education.

A bill to be entitled an act better to secure the collection of the suspended debt of the bank of the State of Alabama and its branches, was read a second time.

Mr Creagh moved to strike out the 1st and second sections of said bill.

On motion of Mr Terry, the bill was postponed until Wednesday next, and made the special order for 11 o'clock of that day.

Bills of the following titles, to wit:

An act to prohibit the increase of salary to any officer of the State bank and branches.

An act for the relief of Bethel Homes.

An act to amend an act to incorporate the Marion female association, approved 9th January, 1841.

An act to compel commissioners and officers of the different banks in this State to make their reports according to law.

An act for the relief of T. G. K. Shanon.

An act to authorise the tax collector of Jackson county, to receive jury certificates and State claims in payment of taxes due said county.

An act to provide for the payment of provisions furnished the troops while in the service of the United States.

An act to regulate and fix the fees of witnesses when the State is a party, and for other purposes.

An act to regulate writs of error; were severally read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to limit the time for presenting claims against estates for debts contracted without this State or within this State, after the removal of disabilities, was read a second time, and on motion of Mr Lea, referred to the judiciary committee.

A bill to be entitled an act in relation to damages in the supreme court, was read a second time, and on motion of Mr Jones, referred to the committee on the judiciary.

A bill to be entitled an act to authorise the State bank and its several branches to appoint bank marshalls, was read a second time and ordered to be engrossed for a third reading. Yeas 20—Nays 7.

Those who voted in the affirmative are messrs President, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Hudson, Hunter, Jones, McAllister, McClanahan, McConnell, Oliver, Ross, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are, messrs Foster, Lea, Phillips, Rodgers, Watrous and Wilson of F.

A bill to be entitled an act to repeal an act therein named, was read a second time, and on motion of Mr Phillips referred to the judiciary committee.

A bill to be entitled an act to accept the two per cent. fund, was read a second time, and on motion of Mr Baylor, the further consideration thereof was postponed until Thursday next, and made the special order for 11 o'clock on that day.

Engrossed bill to be entitled an act to improve the navigation of the Cahawba river, was read a third time and passed. Yeas 18—Nays 11.

Those who voted in the affirmative are, messrs President, Address, Baylor, Brindley, Hunter, Jones, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Watrous and Wilson of J.

Those who voted in the negative are, messrs Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, McClanahan, Rodgers, Wilson of F. and Womack.

Ordered, that the title remain as aforesaid.

A bill to be entitled an act to regulate injunctions in certain cases, was read a second time, and on motion of Mr Phillips, referred to the judiciary committee.

A bill to be entitled an act to prevent frauds on the State bank and its several branches, was read a second time.

Mr Jones offered an amendment thereto, which, together with the bill, was on motion of Mr Hudson, referred to the committee on the State bank.

A bill to be entitled an act for the relief of Robert Douglass, was read a second time, and on motion of Mr Dent, ordered to lie upon the table.

A bill from the House of Representatives to be entitled an act for the better securing mechanics in the city and county of Mobile, was read a second time and ordered to a third reading.

A bill from the House of Representatives to be entitled an act to regulate the proceedings of the circuit courts of Montgomery county, and for other

purposes, was read a second time, and on motion of Mr Bagby, referred to the committee on the judiciary.

A bill from the House of Representatives to be entitled an act to reduce the fees of the county court clerks in certain cases therein named, was read a second time, and on motion of Mr McConnell, referred to the judiciary committee.

A bill from the House of Representatives to be entitled an act to extend the jurisdiction of justices of the peace in certain cases, was read a second time, and on motion of Mr McConnell, referred to the committee on the judiciary.

Message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have read three several times and passed bills which originated in the Senate of the following titles, to wit:

An act concerning executors and administrators.

An act to amend the charter of the bank of the State of Alabama and the several branch banks, in the mode of collecting their debts, and for other purposes.

Also a bill which originated in the House of Representatives to be entitled an act to alter and amend the laws of this State relative to the collection of claims against steam-boats and other water crafts navigating the waters of Alabama: in which they respectfully ask the concurrence of the Senate.

A bill from the House of Representatives to be entitled an act to amend the laws of this State relative to the collection of claims against steam-boats and other water crafts navigating the waters of Alabama, was read and ordered to a second reading.

The Senate then resumed the consideration of the special order, which was a preamble and joint resolutions in relation to an act of the Congress of the United States, distributing the proceeds of the public lands among the several States, and granting pre-emption rights to settlers.

The question being on Mr Hudson's motion to disagree to the report of the committee on federal relations,

On motion of Mr Creagh, the further consideration of the resolution was postponed till to-morrow 11 o'clock.

Mr Toulmin introduced a bill to be entitled an act to amend an act entitled an act for the government of the port and harbor of Mobile, approved Dec. 23, 1822; which was read and ordered to a second reading.

Mr Thornton offered the following resolution:

RESOLVED, that the committee on the judiciary be instructed to prepare and report a bill to the Senate making provisions for the selection and location of the public lands in the State of Alabama belonging to this State by virtue of the 8th section of an act of Congress, entitled an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights to settlers, approved Sept. 4, 1841; which was adopted. Yeas 19—Nays 5.

Those who voted in the affirmative are, messrs President, Address, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, Lea, McConnell, Oliver, Phillips, Ross, Thornton and Watrous.

Those who voted in the negative are, messrs McAllister, McClanahan, Reese, Rodgers and Toulmin.

Mr McConnell moved to take from the table a bill to be entitled an act for the relief of Robert Douglass; which was carried.

On motion of Mr Creagh, the Senate then adjourned until to-morrow morning 10 o'clock.

TUESDAY, Nov. 30, 1841.

The Senate met pursuant to adjournment.

Mr Wilson of F., presented the account of R. H. Poe, sheriff of Fayette county, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr Thornton presented the petition of Henry Wature, the reading of which was dispensed with, and on motion referred to the committee on the judiciary.

Mr McCianahan, from the committee on military affairs, to whom was referred a bill to be entitled an act to amend an act to incorporate the Tuscaloosa guards, reported the same back to the Senate with the following amendment, to wit: "Provided also, that said company shall not have at any one time more than one set of arms and accoutrements."

The amendment was adopted by the Senate, and the bill ordered to be engrossed for a third reading.

Mr Andress, from the committee on propositions and grievances to which was referred the petition of sundry citizens of Madison county, asking an amendment of the act incorporating the Madison turnpike company, reported a bill in conformity with the prayer of said petitioners; which was read and ordered to a second reading.

Mr Andress presented the account of Dixon Hester, jailor of Monroe county, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr Foster introduced a bill to be entitled an act more fully to explain the 1st, 2d, 3d and 4th sections of the 14th chapter of the penal code upon the subject of pardons and reprieves; which was read a 1st time, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a second time forthwith.

Mr Hunter offered the following amendment to said bill; which was adopted, to wit: "Provided, that nothing in this act shall be so construed as to take from the Governor the right to commute the punishment of any convict at the instance of said convict.

The question was then taken on ordering the bill to be engrossed for a third reading; which was lost, Yeas 11—Nays 15.

Those who voted in the affirmative are, messrs Brindley, Creagh, Dent, Foster, Hall, Jones, McConnell, Thornton, Toulmin, Wilson of F. and Womack.

Those who voted in the negative are messrs President. Andress, Baylor, Clarke, Hudson, Lea, McAllister, McClanahan, Oliver, Phillips, Reese, Ross, Rodgers, Watrous and Wilson of J.

Mr President laid before the Senate the annual report of the State Treasurer, the reading of which was dispensed with, and on motion of Mr Hudson, laid on the table, and 133 copies thereof ordered to be printed.

Mr Reese, from the committee on retrenchment, to whom was referred a resolution inquiring into the expediency of reducing the pay of members of the legislature when absent, reported that it was inexpedient, because a member when absent, unless upon the business of the legislature, was not entitled

to pay, according to the existing law upon that subject. (See Aik. Dig. p. 217.) The report was concurred in by the Senate.

On motion of Mr Watrous, the vote just taken upon refusing to order the bill to be entitled an act more fully to explain the 1st, 2d, 3d and 4th sections of the 14th chapter of the penal code, upon the subject of pardons and reprieves, was reconsidered.

Mr Hudson moved to refer the bill to the judiciary committee; which was lost.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr Jones, resolved, that the House of Representatives be requested to furnish the Senate with the report of the indebtedness of the members of the legislature from the different banks of this State.

On motion of Mr Jones, resolved, that the State printers be instructed to furnish, for the use of the Senate, 250 copies of the reports of the officers and commissioners of the different banks of this State, which have been ordered to be printed by the House, or any less number, provided they cannot furnish the whole without re-setting the type.

A message was received from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have read three several times and passed the joint resolutions which originated in the Senate for the relief of Tho's Kellough, tax collector of Sumter county, and for other purposes.

They have read three several times and passed bills which originated in the House of Representatives of the following titles, to wit:

An act to establish an additional regiment of the militia of this State in the county of Talladega.

An act to repeal in part and amend an act entitled an act to incorporate the Selma and Tennessee rail road company, approved Dec. 22, 1836.

An act to incorporate the Mobile hook and ladder company No. 1, and fire companies No. 3, 6 and 7, of the city of Mobile.

An act for the relief of Harriet Hatfield and others.

An act to appoint court-house commissioners of the county of Tallapoosa, and for other purposes therein specified.

An act to repeal in part an act entitled an act regulating punishments under the penitentiary system, approved January 9, 1841.

An act to repeal the general ticket law.

In which they ask the concurrence of the Senate.

They disagree to the amendment made by the Senate to the resolution relating to the north-eastern boundary.

Bills from the House of Representatives of the following titles, to wit:

An act to appoint court-house commissioners of the county of Tallapoosa, and for other purposes therein specified.

An act to incorporate the Mobile hook and ladder company No. 1, and fire companies No. 3, 6 and 7, of the city of Mobile.

An act to repeal in part and amend an act entitled an act to incorporate the Selma and Tennessee rail road company approved Dec. 22, 1836.

An act to establish an additional regiment of the militia of this State in the county of Talladega, were severally read and ordered to a second reading.

A bill from the House of Representatives to be entitled an act to repeal in part an act entitled an act regulating punishments under the penitentiary system, approved Jan. 9, 1841, was read a first time.

Mr Creagh moved to postpone the bill until the 19th day of December next; which was lost. It was then ordered to a second reading.

A bill from the House of Representatives to be entitled an act to repeal the general ticket law, was read and ordered to a second reading. Yeas 18—Nays 10.

Those who voted in the affirmative, are messrs Address, Buford, Dent, Foster, Hudson, Hunter, Jones, Lea, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Watrous and Womack.

Those who voted in the negative, are messrs President, Baylor, Brindley, Creagh, McAllister, McClanahan, Turner, Wilson of F., Wilson of J.

A bill from the House of Representatives, to be entitled an act for the relief Harriet Hatfield, was read a first time, and the constitutional rule being dispensed with, it was read a second time forthwith.

Mr Terry offered the following amendment, to wit: "And all others in a similar situation."

Mr Terry moved the reference of the bill, together with the amendment to the committee on the judiciary, with instructions to report by a general bill on the subject; and the question being taken thereon, it was lost. Yeas 7. Nays 22.

Those who voted in the affirmative are, messrs President, Hudson, McAllister, McVay, Oliver, Rodgers and Wilson of J.

Those who voted in the negative are, messrs Address, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hall, Hunter, Jones, Lea, McClanahan, McConnell, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Watrous, Wilson of F., and Womack.

Mr Rodgers offered the following amendment, to wit: "Also that they be permitted in all elections, state or county, and that their husbands be prevented from the same."

Mr Wilson offered the following as an amendment to the amendment, to wit: provided the provisions of this act shall not apply so long as they live separate.

Mr McConnell moved to refer the bill and amendments, to the committee on divorce and alimony; which was lost.

Mr Turner to the committee on propositions and grievances; which was carried.

Joint resolutions from the House of Representatives, in relation to the North-eastern boundary, The amendment of the Senate, which had been rejected by the House, being under consideration,

Mr Hudson moved to lay the resolutions with the amendment, on the table; which was carried. Yeas 22. Nays 7.

Those who voted in the affirmative are, messrs President, Address, Baylor, Brindley, Clarke, Creagh, Dent, Foster, Hunter, Hudson, Jones, Lea, McAllister, McClanahan, McConnell, McVay, Ross, Toulmin, Turner, Wilson of F., Wilson of J., and Womack.

Those who voted in the negative are, messrs Buford, Hall, Oliver, Phillips, Reese, Rodgers, Thornton.

On motion of Mr Phillips: **RESOLVED**, that the House of Representatives be respectfully requested to inform the Senate, whether they concurred or disagreed to the 1st, 2d and 3d amendments, made by the Senate to the resolutions from the State of Indiana, on the subject of the North-eastern boundary.

On motion of Mr Turner: **RESOLVED**, by the Senate, that with the concurrence of House of Representatives, the two Houses will assemble in the hall of the House on Friday next the 3d December at the hour of 12 o'clock M, to elect a judge of the circuit court for the 5th judicial circuit.

Mr Thornton offered the following joint resolutions.

Be it resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our Representatives in the House of Representatives be respectfully requested to bring forward and support a proposition to amend the constitution of the United States as to article 13, to the amendments to the constitution, in lieu of the 2d clause of the 7th section of the 1st article thereof, the following amendment, viz: Every bill which shall have passed the House of Representatives and the Senate, shall before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it with his objections to that House, in which it shall have originated, who shall enter the objections at large, in their journals, and proceed to reconsider it. If after such reconsideration, a majority of that House shall agree to pass the bill, it shall be sent together with the objections to the other House, by which it shall likewise be reconsidered, and if approved by a majority of that House, it shall become a law. If any bill shall not be returned by the President, within ten days after it shall have been presented to him, the same shall be a law, in like manner, as if he had signed it, unless the Congress by their adjournment, prevent its return, in which case, it shall not be a law.

On motion of Mr Terry, the resolution was indefinitely postponed. Yeas 19—Nays 9.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hall, Hudson, Jones, McAllister, McClanahan, McConnell, Reese, Rodgers, Toulmin, Turner, Watrous, Wilson of F., and Wilson of J.

Those who voted in the negative are, messrs Andress, Buford, Dent, Hunter, Lea, Oliver, Phillips, Ross and Thornton.

Mr Buford offered the following resolution: **RESOLVED**, that it be the duty of the door-keeper to request gentlemen to desist from smoking in the Senate chamber, or leaving their seats during the business hours of the Senate; which was lost.

The Senate then took up the special order:

Joint resolutions in relation to the distribution of the proceeds of the sales of the public lands among the several States. The question was on Mr Hudson's motion to disagree to the report of the committee on federal relations, on said resolutions.

On motion of Mr Womack, the Senate then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Dec. 1, 1841.

The Senate met pursuant to adjournment.

Mr Hudson presented a communication from the Secretary of State, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Foster presented the account of the jailor of Cherokee county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Toulmin from the committee on the State bank, to whom was referred the petition of sundry citizens of Benton county, asking for the passage of a law for the relief of Amos T. Lard of Jacksonville, reported, that it was inexpedient to legislate on the subject, in which the Senate concurred.

Mr Toulmin from the same committee, to whom was referred a bill, to be entitled an act to prevent frauds on the State bank and its several branches, reported five additional sections, as amendments to said bill, to come in after the second section, and thus amended, recommended its passage. The amendment was concurred in by the Senate.

Mr Dent offered the following amendment, to wit: And be it further enacted, that an additional clerk shall be employed by each bank, whose duty it shall be to discharge the onerous duty required under this act. Provided, he shall be able to do so.

On motion of Mr Lea, the bill, together with the amendment, was referred to the committee on the judiciary.

Mr Thornton from the committee on the judiciary, to which was referred a bill, to be entitled an act respecting depositions, reported the same back to the Senate, and recommended its passage, with the following amendments, to wit: Strike out all the 2d section, after the word case, where it occurs in the twenty-fifth line thereof, "and be considered sufficient notice to the party so absent without any known agent or attorney" and also the following proviso, viz: Provided, that this act shall only apply in civil cases at common law and where the mode of taking depositions by filing interrogatories is pursued, all of which was concurred in by the Senate, and the bill ordered to be engrossed for a third reading.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act to establish jury trials in justices courts in the counties therein named, and to regulate proceedings therein, reported a substitute therefor, which was adopted by the Senate, and ordered to be engrossed for a third reading. Yeas 16. Nays 11.

Those who voted in the affirmative are, messrs President, Buford, Clarke, Daily, Foster, Hunter, King, Lea, McAllister, McConnell, Oliver, Reese, Thornton, Toulmin, Wilson of J., and Womack.

Those who voted in the negative are, messrs Address, Baylor, Creagh, Hudson, Jones, McClanahan, Phillips, Ross, Rodgers, Turner and Watrous.

On motion of Mr Hudson, leave of absence was granted Mr Wilson of F., for an indefinite period.

Mr Toulmin from the committee on the State bank, to which was referred a bill to be entitled an act to regulate bills of exchange by the branch of the bank of the State of Alabama at Mobile, reported that the committee had amended the same by striking out the words "or domestic" in the eight line of the 1st section, and by adding the following proviso, at the end of the bill, to wit: Provided, that nothing herein contained shall be construed to dispense with endorsers as now required by law, and that the committee refused to adopt the amendment referred with the bill.

Mr Creagh moved to disagree to so much of the report as rejected the amendment, referred with the bill; which was lost. Yeas 11. Nays 19.

Those who voted to disagree are, messrs President, Address, Baylor, Buford, Creagh, Hall, Hunter, Reese, Ross, Rodgers and Womack.

Those who voted in the negative are, messrs Brindly, Clarke, Daily, Dent,

Foster, Jones, King, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Thornton, Toulmin, Turner, Watrous and Wilson of Jackson.

Mr Toulmin offered the following amendment to wit: Provided, also, that no bill of exchange, shall be purchased by the said bank, unless a majority of the board of President and directors shall approve of and vote for the same.

Mr Jones moved to amend the amendment by adding after the words majority, "of two thirds;" which was lost. The question then recurred on the adoption of the amendment; which was carried.

Mr Buford offered the following amendment, which was adopted, to wit:

Be it further enacted, that any one giving, or procuring, or knowingly pledging a fictitious bill of exchange, and any President or director knowingly receiving the same as security, shall be guilty of a misdemeanour and on conviction shall pay the State not less than the amount for which such bill of exchange was taken, or intended to be offered, and be imprisoned in the penitentiary, not less than three, nor more than thirty years. The bill as amended was ordered to be engrossed for a third reading.

A message was received from his Excellency the Governor by Mr Garrett:

EXECUTIVE DEPARTMENT, Tuscaloosa, Dec. 1, 1841.

To the President of the Senate:

SIR,—I have the honor to communicate to your honorable body, the resignation of Wm. B. Martin, Esq. Solicitor of the 9th judicial circuit, to take effect after the 20th inst.

Signed,

BEN. FITPATRICK.

Mr Thornton from the judiciary committee to which was referred a bill to be entitled an act to incorporate the Factors press and ware-house company, reported the same back to the Senate with the following amendment, as section 13, to said bill to wit: Be it further enacted, that this act of incorporation shall at all times be subject to be repealed, or modified by any subsequent legislature of this State, after ten years from the passage of the act; which was concurred in by the Senate.

Mr Jones offered the following amendment, to wit:

Be it further enacted, that the individual property, both real and personal, of every description, of each and every stock-holder in said corporation shall be liable for the payment of the debts or liabilities of the said company in the same manner, as if said stock-holders were partners in trade.

Mr McClanahan offered the following as an amendment to the amendment, to wit: Provided, the said individual liabilities shall be enforced, first on the directors of said company; and provided, also, that judgment shall be regularly obtained against said corporation, and execution issued and returned, that no property of said incorporation can be found to satisfy the same; which was adopted. Yeas 23. Nays 7.

Those who voted in the affirmative are, messrs President, Address, Baylor, Clarke, Creagh, Daily, Foster, Hall, Hunter, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Rodgers, Turner, Watrous, Wilson of J., and Womack.

Those who voted in the negative are, messrs Dent, Hudson, Jones, King, Lea, Thornton and Toulmin.

The question then recurred on the adoption of the amendment as amended, which was carried. Yeas 17. Nays 12.

Those who voted in the affirmative are, Messrs President, Address, Baylor,

Brindley, Clarke, Creagh, Dailey, Foster, Hall, Jones, McAllister, McClanahan, McConnell, Reese, Ross, Rodgers, Turner and Wilson of J.

Those who voted in the negative are Messrs Buford, Dent, Hudson, Hunter, King, Lea, Oliver, Phillips, Thornton, Toulmin, Watrous and Womack.

On motion of Mr Toulmin the bill was ordered to be laid on the table.

Mr Thornton, from the same committee to which was referred a bill to be entitled an act to alter the manner of compensating executors and administrators, in certain cases, reported the same back to the Senate, and recommended its passage, with the following amendments:—After the words "judge," insert the following: "the words of the," in the 15th line, after the word chancery, insert "court," together with this proviso, at the end of the bill, to wit: "provided, that such petition for the supervision of the order or decree of the county court, on the subject of said allowance, shall be filed within one year after it shall have been made; and further, that any minor heir, devisee, or legatee of the said estate, may file such petition by his or her next friend; in all of which the Senate concurred. The bill was then read a third time, and passed.

Ordered that the title remain as aforesaid.

Mr Thornton from the committee on the State bank, to which was referred joint resolutions restraining the bank of the State of Alabama and the several branches thereof, from discounting accommodation paper, while they continue in a state of suspension, reported, that it was inexpedient; in which the Senate concurred.

Mr Jones presented the account of Wm. D. Tisdall, jailor of Sumter county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Watrous introduced a bill to be entitled an act, to repeal in part, and amend the law regulating the practice in chancery courts, which was read the first time, and the constitutional rule being dispensed with, was read a second time forthwith, and on motion of Mr Watrous, referred to the committee on the judiciary.

On motion of Mr McConnell, **RESOLVED**, that with the concurrence of the House of Representatives, the two Houses will assemble in the Representative Hall, on Thursday the 7th of December 1841, at 12 o'clock, M., for the purpose of electing a Solicitor for the 8th and 9th judicial circuits, each.

On motion of Mr Clarke the bill from the House of Representatives to be entitled an act to incorporate the town of Dadeville, in Tallapoosa county, was taken from the table, and placed among the orders of the day.

Mr Foster offered a joint resolution, authorizing Arthur Foster, to draw and receipt for the pay of John H. Garrett, late a member of the House of Representatives, from the county of Cherokee, which was read and ordered to a second reading.

The Senate then resumed the consideration of the joint resolutions of the General Assembly of Alabama, in relation to an act of the Congress of the U. States, entitled an act to distribute the proceeds of the sales of the public lands, and to grant pre-emption rights to settlers, approved September 4th, 1841. The question being on Mr Hudson's motion to disagree to the report of the committee on federal relations, and the vote being taken thereon was lost. Yeay 15, Nays 15.

Those who voted for disagreeing were Messrs President, Baylor, Brindley, Clarke, Foster, Hall, Hudson, Jones, McAllister, McClanahan, Rodgers, Toulmin, Turner and Wilson of J.

Those who voted in the negative were Messrs Andress, Buford, Dailey, Dent, Hunter, King, Lea, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Watrous and Womack.

Mr Terry moved to postpone the further consideration of the resolutions until Monday next, and make them the special order for 11 o'clock of that day.

Mr Hudson to postpone until Wednesday next.

Mr Buford to lay on the table, which was carried.

On motion of Mr Phillips the orders of the day were suspended for the purpose of enabling him to offer a joint resolution.

Mr Phillips then offered a joint resolution of the General Assembly of the State of Alabama on the subject of entering the public lands, which, on Mr Phillips' motion, was postponed until Monday next, and made the special order for 11 o'clock, without day.

Mr Jones, from the committee on enrolled bills, reported, that the committee had examined, and found correctly enrolled, bills of the following titles, to wit:

Joint resolutions of the General Assembly of the State of Alabama, for the relief of Thos. Killough, tax collector of Sumter county, and for other purposes.

Joint memorial to the Congress of the United States, on the subject of establishing an armory at the great falls on the Tallapoosa river.

An act to regulate judicial proceedings in the county court of Mobile county.

An act to run and mark out the line between the counties of Shelby and Jefferson.

An act to amend an act entitled an act the more effectually to prohibit free negroes and persons of color from entering into, and remaining in this State, approved 2nd Feb. 1839.

An act to establish a ferry in Washington county.

Joint memorial to the Congress of the United States in relation to the land lying in Jackson County, south of the Tennessee river.

An act to change the time of holding the county courts of the county of Randolph.

An act authorising the commissioners' court of roads and revenue to establish ferries on the Alabama river, in the county of Wilcox.

Joint resolutions of the General Assembly of the State of Alabama, in relation to a land district, in the Cherokee part of the State of Alabama.

An act to declare Bear creek a public highway.

An act to provide for the election of a tax collector, for the county of Marshall.

An act concerning suits against executors, administrators, and guardians.

The Senate then resumed the consideration of the special orders.

A bill to be entitled an act to repeal the general ticket system in elections for Representatives in Congress from the State of Alabama, being on its second reading, it was, on motion of Mr Dent, postponed until Friday next, and made the special order of the day at 11 o'clock.

A bill to be entitled an act to provide for the removal of the seat of govern-

ment, being on its third reading, it was, on motion of Mr Dent, postponed until Friday next, and made the special order for 11 o'clock on that day—Yeas 16, Nays 13.

Those who voted in the affirmative are Messrs President, Baylor, Brindley, Buford, Dent, Foster, Hudson, Hunter, Jones, King, Lea, McClanahan, Oliver, Phillips, Rodgers and Thornton.

Those who voted in the negative are Messrs Andress, Clarke, Creagh, Dailey, Hall, McAllister, McConnell, Reese, Ross, Toulmin, Turner, Wilson of J. and Womack.

Mr Brindley moved to adjourn, which was carried. Yeas 22, Nays 8.

Those who voted in the affirmative are Messrs Andress, Baylor, Brindley, Buford, Clarke, Dent, Foster, Hall, Hudson, Hunter, Jones, Lea, McAllister, McClanahan, McConnell, Oliver, Reese, Ross, Rodgers, Thornton, Watrous and Womack.

Those who voted in the negative are Messrs President, Creagh, Dailey, King, Phillips, Toulmin, Turner and Wilson of J.

The Senate then adjourned until to-morrow morning 10 o'clock.

THURSDAY, December 2nd, 1841.

The Senate met pursuant to adjournment.

Mr Thornton, from the committee on the judiciary, to which was referred the petition of Henry Watson and accompanying documents, reported a bill in conformity with the prayer of the petition,—to be entitled an act authorising the executor of B. Bland, late of Greene county, to dispose of the goods, wares, and merchandise of his testator, at private sale, or otherwise; which was read and the constitutional rule being dispensed with, it was read a third time and passed.

Ordered that the title remain as aforesaid.

Mr Thornton, from the same committee to which was referred a bill to be entitled an act to repeal in part, and amend the law, regulating the practice in chancery courts; reported the same back to the Senate, with sundry amendments, which were concurred in, and the bill ordered to be engrossed for a third reading.

Mr Andress, from the committee on propositions and grievances, to which was referred a bill to be entitled an act for the relief of Harriet Hatfield, reported that it was inexpedient to legislate further thereon, in which report the Senate refused to concur.—Yeas 13, Nays 16.

Those who voted in the affirmative are Messrs President, Andress, Baylor, Creagh, Lea, McClanahan, McConnell, Phillips, Reese, Rodgers, Thornton, Turner and Watrous.

Those who voted in the negative are Messrs Brindley, Buford, Clarke, Dailey, Dent, Foster, Hall, Hudson, Hunter, Jones, King, McAllister, Oliver, Toulmin, Wilson of J. and Womack.

The question then recurred on the adoption of the amendment heretofore offered by Mr Wilson of F., which was in these words:

"Provided the provisions of the act shall only apply, so long as they live separate;" which was lost.—Yeas 12, Nays 16.

Those who voted in the affirmative are Messrs President, Andress, Baylor, Brindley, Creagh, Hudson, McClanahan, Phillips, Reese, Rodgers, Thornton and Turner.

Those who voted in the negative are Messrs Buford, Clarke, Dailey, Dent,

Foster, Hall, Hunter, Jones, King, Lea, McAllister, McConnell, Oliver, Toulmin, Wilson of J. and Womack.

Mr Toulmin offered the following amendment, to wit:

Be it further enacted, that the provisions of this act be, and the same are hereby extended to Mrs Reynolds, of the county of Mobile, and to Mrs Mary Dudley, of the county of Lowndes.

Mr Baylor offered the following as an amendment to the amendment, to wit:

And be it further enacted, that the provisions of the above recited act shall apply to Elizabeth Thrasher, of St Clair county, which was adopted.

Mr Wilson of J., moved further to amend, by adding Drucilla, wife of John McDow, of Jackson county, which was also adopted.

Mr Dailey moved further to amend, by adding the following, to wit:

And all females in the State who may have been married, at the passage of this bill, more than fifteen years, which was adopted.

The question then recurred on the adoption of the amendment, as amended, which was carried.

Mr McConnell moved further to amend, by striking out the name of Nancy Alexander, wife of A. F. Alexander, of Sumter county, which was carried.

Mr Turner moved further to amend, by adding an additional section to the bill, which was in these words, to wit:

SEC. — And be it further enacted, that the provisions of this act shall not apply to any of the within named persons, where either of their husbands, or any part of their families, shall become a charge upon their respective counties, which was adopted.—Yeas 15, Nays 14.

Those who voted in the affirmative are Messrs President, Andress, Creagh, Hudson, Lea, McAllister, McClanahan, McConnell, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner and Watrous.

Those who voted in the negative are, messrs Baylor, Brindley, Buford, Clarke, Dailey, Dent, Foster, Hall, Hunter, Jones, King, Oliver, Wilson of J. and Womack.

Mr Reese moved to reconsider the vote first taken on the adoption of the amendment offered by Mr Turner; which was lost. Yeas 14—Nays 14.

Those who voted in the affirmative are, messrs Baylor, Brindley, Clarke, Dailey, Dent, Foster, Hall, Hunter, Jones, King, Oliver, Reese, Wilson of J. and Womack.

Those who voted in the negative are, messrs President, Andress, Creagh, Hudson, Lea, McAllister, McClanahan, McConnell, Phillips, Rodgers, Thornton, Toulmin, Turner and Watrous.

Mr Baylor moved to commit the bill with the following instructions to the judiciary committee, to wit:

That the judiciary committee be instructed to report a general law upon the subject of making married women free traders, requiring such as wish for the privilege, to apply by petition to the circuit courts of the State, stating in such petition the grounds of such application, and describing the causes for which such privilege shall be granted, and the character of the proof to be adduced in its support.

Said bill shall contain provisions, first, embracing married women whose husbands have abandoned them. Second, to such as have husbands incapable of rendering any material aid, from intemperance or other causes, towards

the support of their families; with a proviso that the several circuit courts may at any time, upon satisfactorily showing, revoke an order making any married woman a free trader; which was lost. Yeas 8—Nays 19.

Those who voted in the affirmative are, messrs Address, Baylor, Dailey, Hudson, McAllister, Phillips, Reese and Watrous.

Those who voted in the negative are, messrs President, Brindley, Clarke, Creagh, Dent, Foster, Hall, Hunter, Jones, King, Lea, McClanahan, McConnell, Rodgers, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Mr Clarke moved to refer the bill to a select committee with the following instructions, to wit: Strike out the names of any whose situation may not seem absolutely to require such an act, and to amend said bill in any other mode that may be necessary, and may report a substitute if it seem preferable; which was lost. Yeas 7—Nays 22.

Those who voted in the affirmative are, messrs Clarke, Dailey, Hudson, Lea, McAllister, Phillips and Wilson of J.

Those who voted in the negative are, messrs President, Address, Baylor, Brindley, Buford, Creagh, Dent, Foster, Hall, Hunter, Jones, King, McClanahan, McConnell, Oliver, Reese, Rodgers, Thornton, Toulmin, Turner, Watrous and Womack.

The question was then taken on ordering the bill to a third reading; which was lost. Yeas 13—Nays 16.

Those who voted in the affirmative are, messrs Brindley, Buford, Dailey, Dent, Foster, Hall, Hunter, Jones, King, Oliver, Toulmin, Wilson of J. and Womack.

Those who voted in the negative are, messrs President, Address, Baylor, Clarke, Creagh, Hudson, Lea, McAllister, McClanahan, McConnell, Phillips, Reese, Rodgers, Thornton, Turner and Watrous.

Message from the House of Representatives by Mr Tunstall.

Mr President: The House of Representatives concur in the amendments made by the Senate to the bill to amend the charter of the Planters and Merchants bank of Mobile.

They concur in the resolution of the Senate proposing to elect a judge of the 5th judicial circuit, and have amended the same by adding a solicitor of the 9th circuit; in which they ask the concurrence of the Senate.

They have also read three several times and passed the bill to amend and explain an act for the relief of Elizabeth Morris, approved 9th Jan. 1836.

The amendment of the House to the resolution of the Senate in relation to the election of a judge of the 5th judicial circuit, was concurred in.

On motion of Mr Terry, the vote just taken on concurring in the amendment of the House was reconsidered.

The question then was on concurring; which was lost.

On motion of Mr Reese, the joint resolutions in relation to an act of the Congress of the United States, entitled an act to distribute the proceeds of the sales, of the public lands among the several States, approved Sept. 4, 1841, was taken from the table.

Mr Reese then moved to reconsider the vote taken yesterday on disagreeing to the report of the committee on federal relations, in relation to said resolutions; which was carried. Yeas 16—Nays 10.

Those who voted in the affirmative are, messrs President, Baylor, Brind-

ley, Clarke, Creagh, Dailey, Foster, Hall, Hudson, Jones, McAllister, McClanahan, Reese, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs Address, Dent, Hunter, King, Lea, McConnell, Oliver, Phillips, Thornton and Womack.

On motion of Mr Terry, the further consideration of the subject was postponed until Wednesday next, and made the special order for 11 o'clock on that day.

The following message was received from his Excellency the Governor, by Mr Garrett.

Mr President: I am instructed by his Excellency the Governor, to inform your Hon. body that he did this day approve and sign a bill of the following title to wit:

An act to regulate judicial proceedings in the county court of Mobile county; which bill originated in the Senate.

Mr Turner, from the committee on roads, bridges and ferries, to whom was referred a bill to be entitled an act to provide for working of roads on beat lines, and for other purposes, reported that it was inexpedient to pass the same, as the evils complained of are provided for in the present road law; in which the Senate concurred.

Mr Reese, from the committee on federal relations, to which was referred certain resolutions from the commonwealth of Massachusetts, dated in the year of our Lord, 1841, in relation to the revenue laws, reported the following resolutions as expressive of the views of this legislature upon that subject.

Resolved by the Senate and House of Representatives of the State of Alabama in general assembly convened, that the Congress of the United States has no right lay duties on articles of foreign import with a view to protect the industry of the people of one section of the Union at the expense of the other.

Resolved further, that the people of Alabama have, by virtue of the constitution, a right to trade with any nation in the world at peace with the United States, free from any other duty or charge than such as is levied alone with a view to raise a revenue to support an economical administration of the general government; and in levying duties, the general government has no right to discriminate for the purpose of protecting any species of labor.

Resolved, that his Excellency the Governor be instructed to transmit a copy of the forgoing resolutions to the Governor of the commonwealth of Massachusetts.

Mr Buford moved to insert after the word "government," in the third resolution, these words, "or for the regulation of commerce;" which was lost.

The question then recurred on the adoption of the resolutions as reported by the committee; which was unanimously adopted.

Those who voted for their adoption are, messrs President. Address, Baylor, Brindley, Clarke, Dailey, Dent, Foster, Hall, Hudson, Hunter, Jones, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner and Wilson of J—25.

Mr Address, from the committee on propositions and grievances, to which was referred the petition of Elizabeth Thrasher, reported that it was inexpedient to grant the petition of said petitioner; in which the Senate concurred.

Mr Reese, from the committee on federal relations, to whom was referred

resolutions from the commonwealth of Kentucky; also from the commonwealth of Massachusetts, and from the State of Delaware, proposing such an alteration of the constitution of the United States as will restrict the eligibility of the President of the United States to one term, reported the following resolutions.

Resolved by the Senate and House of Representatives of the State of Alabama in general assembly convened, that it is inexpedient to alter the constitution so as to restrict the eligibility of the President of the United States to one term.

Resolved, that the Governor of the State be instructed to transmit a copy of the foregoing resolutions to the Governor of the commonwealth of Kentucky; also a copy to the Governor of the commonwealth of Massachusetts, and a copy to the Governor of the State of Delaware; which was adopted. Yeas 13—Nays 9.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Dailey, Foster, Hall, Hudson, Jones, McAllister, McClanahan, McConnell, Reese, Rodgers, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs Address, Buford, Dent, King, Lea, Oliver, Phillips, Thornton and Womack.

Mr McAllister from the committee on Indian expenditures, to whom was referred the account of Buford & Johnson, assignees of Wm. G. Fryer, for a horse, pressed into the Creek service, reported a bill making compensation for the same, which was read and ordered to a second reading.

Mr Jones from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, a preamble and joint resolutions upon the laws regulating postage, and

An act to amend the charter of the bank of the State of Alabama and the several branch banks, in the mode of collecting their debts, and for other purposes.

Mr Baylor from the select committee, to which was referred a bill to be entitled an act to alter and amend the charter of the Alabama Life insurance and trust company, reported a substitute therefor, which was adopted by the Senate, and ordered to be engrossed for a third reading.

Mr Buford introduced a bill, to be entitled an act to enable the joint examining committee more efficiently to investigate bank frauds, which was read a first time.

Mr Buford moved to suspend the constitutional rule, for the purpose of giving the bill a second reading forthwith, and called for the yeas and nays on the motion, which were as follows:

For suspending, messrs President, Address, Baylor, Brindley, Buford, Clarke, Creagh, Daily, Dent, Foster, Hall, Hudson, Hunter, Jones, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Wilson of J., and Womack.—26.

Mr McClanahan voted against suspending—1.

The bill was then read a second time, and on motion of Mr Terry, referred to the committee on the judiciary.

On motion of Mr Terry: **RESOLVED**, that the committee on the State bank, be instructed to inquire into the expediency of passing a law, prohibiting the President and directors of the bank of the State of Alabama or any of its branches from charging exchange upon bills purchased by said institutions

drawn upon New Orleans, or any of the Northern cities, with leave to report by bill or otherwise.

Mr Toulmin introduced a bill, to be entitled an act to confirm the will of Martin Kinly, late of Mobile county, deceased, which was read and ordered to a second reading.

On motion of Mr Lea: **Resolved**, that the judiciary committee be instructed to examine the laws on the subject of bail in civil cases and imprisonment for debt with a view to ascertain whether some amendment is not, and what amendment is, necessary; with leave to report by bill or otherwise.

Mr Thornton from the committee on the judiciary, to which was referred a bill, to be entitled an act to prevent frauds in elections, reported the same back to the Senate, and asked leave to be discharged from the further consideration thereof, in which the Senate concurred.

On motion of Mr Reese, the communications from the cashiers of the several banks in this State, showing the amount of property purchased by said banks during the year 1841, in payment of debts or otherwise, was taken from the table.

Mr Reese moved to lay them on the table and print thirty-three copies thereof.

Mr Hudson called for a division of the question, which was first taken on laying on the table and carried.

Mr Creagh moved to print one hundred and thirty-three copies, which was carried.

On motion of Mr Wilson of Jackson, the Senate then adjourned until tomorrow morning 10 o'clock

FRIDAY, Dec. 3, 1841.

The Senate met pursuant to adjournment.

Mr Thornton from the judiciary committee, to which was referred a bill from the House of Representatives, entitled an act to regulate the proceedings of the circuit court of Montgomery county, and for other purposes; reported the same back to the Senate, with sundry amendments as therein shewn, and thus amended, recommended its passage. The amendments were concurred in, and the bill ordered to a 2d reading.

Mr Thornton from the same committee to which was referred a bill, to be entitled an act in relation to damages in the Supreme court, reported the same back to the Senate, with their opinion, that it was inexpedient to pass the same; in which the Senate concurred.

Mr Thornton from the same committee, to which was referred a bill, to be entitled an act, incorporate the Stockton steam-boat and ware-house company, in the county of Baldwin, reported the same back to the Senate and recommended its passage. The bill was then placed among the orders of the day.

Mr Thornton from the same committee, to which was referred a bill, to be entitled act to regulate injunctions in certain cases, reported that it was unnecessary to pass the bill, because it was now in the discretion of the chancellor to direct the nature and extent of the bond which shall be given in all such cases. The report was concurred in by the Senate.

Mr Thornton from the same committee, to which was referred a bill from the House of Representatives to be entitled an act to reduce the fees of the county court clerks, in certain cases therein named, reported the bill back to the Senate, and that it was inexpedient to pass the same.

On motion of Mr Hudson, the bill together with the report, was ordered to be laid on the table.

Mr Thornton from the same committee, to which was referred a bill to be entitled an act to limit the time for presenting claims against estates, for debts contracted without this State, or within this State after the removal of disabilities, reported a substitute, which was adopted, and ordered to be engrossed for a third reading.

Mr Lea from the judiciary committee, to whom was referred a bill to be entitled an act to repeal an act therein named, reported a substitute therefor, which was adopted, and ordered to be engrossed for a third reading.

Mr Phillips introduced a bill to be entitled an act to renew medical pursuits in certain cases; which was read and ordered to a second reading.

Mr Hall presented the memorial of Win. H. Thomas & Co., which was read and on motion of Mr Watrous, referred to the committee on the Penitentiary.

On motion of Mr Lea, the vote taken yesterday on refusing to order a bill for the relief of Harriet Hatfield and others, was reconsidered.

On motion of Mr Dent, the bill was referred to a select committee, whereupon, messrs Dent, Reese and Phillips, were appointed said committee.

The Senate then proceeded to the considerations of the orders of the day:

The bill for the relief of Robert Douglass, being under consideration, it was read a second time, and ordered to be engrossed for a third reading.

The hour of 11 o'clock having arrived, the Senate took up the special orders:

Joint resolutions responsive to resolutions from the General Assembly of the State of Indiana, relative to the duties of President and Vice President of the United States, being first in order, they were read and adopted.

Ordered, that the title remain as aforesaid.

Preamble and joint resolutions relative to the bankrupt law. The question being on the adoption of the amendment heretofore offered by Mr Buford, which was in these words, "that said measure may make some political capital for the party that passed it, and a certain party wishing to make a little capital for themselves."

Mr Terry moved the indefinite postponement of the amendment, which was carried. Yeas 18—Nays 8.

Those who voted in the affirmative are, messrs President, Brindley, Clarke, Creagh, Daily, Dent, Foster, Hall, Hudson, McAllister, McClanahan, McConnell, McVay, Reese, Rodgers, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs Address, Buford, Hunter, Lea, Oliver, Phillips, Thornton and Womack.

The question then recurred upon the adoption of the first proposition contained in the first resolution, a division of the question having heretofore been called for by Mr Phillips, which was carried. Yeas 17—Nays 12.

Those who voted in the affirmative are, messrs. President, Baylor, Brindley, Clarke, Creagh, Daily, Hudson, McAllister, McClanahan, McConnell, McVay, Reese, Rogers, Toulmin, Turner, Watrous, and Wilson, of J.

Those who voted in the negative are, messrs. Address, Buford, Dent, Hall, Hunter, King, Lea, Oliver, Phillips, Ross, Thornton, and Womack.

The question was next taken on the adoption of the 2d clause of the resolution; which was carried. Yeas 16. Nays 14.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, McAllister, McClanahan, McConnell, McVay, Reese, Rodgers, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs Andress, Buford, Dailey, Dent, Hall, Hunter, King, Lea, Oliver, Phillips, Ross, Thornton, Watrous and Womack.

The question was next taken on the adoption of the last resolution; which was carried.

And lastly, on the preamble; which was also adopted. Yeas 16—Nays 13.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Dailey, Foster, Hudson, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs Andress, Buford, Dent, Hall, Hunter, King, Lea, Oliver, Phillips, Ross, Thornton, Watrous and Womack.

Message from the House of Representatives by Mr Tunstall.

Mr President: The House of Representatives recede from their amendment to the resolution of the Senate proposing to go into the election of a judge of the 5th judicial circuit.

The following resolution was received from the House of Representatives by Mr Tunstall, to wit:

RESOLVED, that the Senate be now invited into the Hall of the House to go into the election of a judge of the 5th judicial circuit.

In conformity with the above resolution, the Senate repaired to the Representative Hall and was seated.

Mr President then announced the object of the meeting of the two Houses.

The two Houses then proceeded to the election of a judge of the 5th judicial circuit: Messrs WM. ACKLIN, GEORGE W. LANE, GREEN P. RICE and JOHN W. THOMPSON, being in nomination.

Those who voted for Mr Acklin are, messrs Clarke, King, McClanahan and Watrous, of the Senate; and messrs Allen, Bishop, Cochran, Davis of L.; Griffin of M., Griffin of S., Harris, Heflin, Henry, Henslee, Houston, Hunter, Morgan, Norman, Randolph, Smith of L., Storrs, Walker of B., Winston and Wynn, of the House—25.

Those who voted for Mr Lane are, messrs Andress, Buford, Dent, Hudson, Hunter, Lea, McVay, Oliver, Phillips, Ross, Thornton and Womack of the Senate; and messrs Alexander of Lowndes, Barker, Barron, Bradley, Cain, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Gardner, Garland, Hammond, Jones of Con., Jones of Cov., Jefferson, Jemison, Marchbanks, Mason, S. McAlpin, McLemore, McLeod, Mitchell, Moore, Mundy, Norris, Norwood, Reynolds, Rhodes, Rodgers, Smith of H., Smith of T., Spruill, Wallace, Ware and Young, of the House—49.

Those who voted for Mr Rice are, messrs Hall, McAllister and Rodgers of the Senate; and messrs Alexander of Laud., Chiles, Gresham, Hogan, Justice, B. McAlpin, R. McAlpin, McMillion of B., Moors, Perkins, Rice, Strode, Stinson, Taylor, Troup and Walker of Lawrence, of the House—19.

Those who voted for Mr Thompson are, messrs President, Baylor, Creagh, Dailey, Foster, McConnell, Reese, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Armbrister, Clemens, Fletcher, Griffin of J., Haughton, Hutchinson, Jones of Mad., James, Kennedy, King, McAllister,

McMillion of J., Musgrove, Phillips, Rushing, Smith of J., Steel and Yancey—28.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to vote a second time.

Those who voted for mr Acklin are, messrs Clarke, King, McClanahan and Watrous, of the Senate; and messrs Allen, Cochran, Davis of L., Griffin of M., Griffin of S., Heflin, Henry, Henslee, Hogan, Houston, Hunter, McMillion of B., Norman, Smith of L., Storrs, Troup, Valliant, Walker of B., Walker of L., Winston and Wynn, of the House—25.

Those who voted for mr Lane are, messrs Andress, Buford, Dent, Hall, Hudson, Hunter, Lea, McVay, Oliver, Phillips, Ross, Thornton and Womack, of the Senate; and messrs Alexander of Lowndes, Barker, Barron, Bishop, Bradley, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Mason, R. McAlpin, S. McAlpin, McLemore, McLeod, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Reynolds, Rhodes, Rodgers, Smith of H., Smith of T., Stinson, Wallace, Ware and Young, of the House—46.

Those who voted for mr Rice are, messrs Rodgers, of the Senate; and Alexander of Laud., Marchbanks, Strode and Taylor of the House—5.

Those who voted for mr Thompson are, messrs President, Baylor, Creagh, Dailey, Foster, McAllister, McConnell, Reese, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Armbrister, Clemens, Fletcher, King, McAllister, B. McAlpin, McMillion of J., Moore, Morgan, Musgrove, Phillips, Randolph, Haughton, Griffin of J., Hutchinson, James, Jones of M., Rice, Rushing, Smith of J., Steele and Yancey, of the House—34.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to ballot a third time. The name of mr Rice having been withdrawn.

Those who voted for mr Acklin are, messrs Clarke, King, McClanahan, Turner, Watrous and Wilson of J., of the Senate; and messrs Cochran, Davis of L., Griffin of S., Heflin, Hogan, Houston, Hunter, King, Norman, Rushing, Smith of L., Storrs, Valliant, Walker of Benton, and Winston, of the House—21.

Those who voted for mr Lane are, messrs Andress, Buford, Dailey, Dent, Foster, Hall, Hudson, Hunter, Lea, McVay, Oliver, Phillips, Ross, Rodgers, Thornton and Womack, of the Senate; and messrs Alexander of Lawrence, Barker, Barron, Bishop, Bradley, Cain, Chiles, Covington, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Gardner, Garland, Gresham, Hammond, Harris, Henry, Henslee, Jones of Con., Jones of Cov., Jefferson, Jemison, Justice, Marchbanks, Mason, R. McAlpin, S. McAlpin, McLemore, McLeod, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Phillips, Reynolds, Rhodes, Rodgers, Smith of H., Smith of T., Spruill, Stinson, Walker of L., Wallace, Ware and Young, of the House—65.

Those who voted for mr Thompson are, messrs President, Baylor, Creagh, McAllister, McConnell, Reese and Toulmin, of the Senate; and messrs Speaker, Alexander of Laud., Allen, Armbrister, Clemens, Fletcher, Griffin of J., Griffin of M., Haughton, Hutchinson, James, Jones of M., Kennedy, McAllister, B. McAlpin, McMillion, of B., McMillion of J., Moore, Morgan, Musgrove, Randolph, Rice, Smith of J., Steele, Strode, Taylor, Troup, Wynn and Yancey, of the House—36.

Mr Lane having received a majority of the whole number of votes given,

Mr Speaker declared him duly and constitutionally elected judge of the 5th judicial circuit for the time prescribed by law.

The Senate then withdrew to their Chamber.

Mr President resumed the chair, and called the Senate to order.

Mr Turner asked leave of absence for the Senator from Sumter, Mr Jones, until next Friday; which was granted.

Mr Ross, from the committee on enrolled bills, reported that the committee has examined and found correctly enrolled, bills of the following titles, to wit:

An act to amend and explain an act entitled an act for the relief of Elizabeth Morris, approved 9th January, 1836.

Also a bill to be entitled an act to repeal in part and amend an act to wind up the land office at Courtland, approved January 9, 1841.

Mr Rodgers, from the committee on enrolled bills, reported that the committee has examined and found correctly enrolled, bills of the following titles, to wit:

An act to amend an act entitled an act more effectually to prohibit free negroes and persons of color from entering into and remaining in this State, approved Feb. 2, 1839.

Also an act to amend the charters of the bank of the State of Alabama and the several branch banks, in the mode of collecting their debts, and for other purposes.

A bill to be entitled an act better to secure the collection of the suspended debt of the bank of the State of Alabama and its several branches; the question being on Mr Creagh's motion to strike out the first and second sections of said bill.

Mr Phillips called for a division of the question; which was first taken on striking out the first section and carried. Yeas 16—Mays 13.

Those who voted in the affirmative are, messrs Address, Buford, Creagh, Dailey, Dent, Hunter, McClanahan, McVay, Oliver, Phillips, Reese, Ross, Rodgers, Turner, Watrous and Womack.

Those who voted in the negative are, messrs President, Baylor, Brindley, Clarke, Foster, Hall, Hudson, King, McAllister, McConnell, Thornton, Toulmin and Wilson of Jackson.

Mr Baylor then moved to lay the bill upon the table; which prevailed.—Yeas 19—Nays 10.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Dent, Hudson, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Reese, Rodgers, Toulmin, Turner, Wilson of Jackson and Womack,

Those who voted in the negative are, messrs Address, Buford, Creagh, Dailey, Hall, Hunter, Phillips, Ross, Thornton and Watrous.

A bill to be entitled an act to raise a school fund for the benefit of the poor, and in aid of the valueless 16th sections, was read a third time and passed, Yeas 20—Nays 9.

Those who voted in the affirmative are, messrs President, Address, Baylor, Buford, Clarke, Dent, Hudson, Hunter, King, Lea, McAllister, McVay, Oliver, Phillips, Ross, Thornton, Toulmin, Turner, Watrous and Womack.

Those who voted in the negative are, messrs Brindley, Creagh, Dailey, Foster, Hall, McClanahan, McConnell, Reese and Wilson of J.

Ordered by the Senate that the title remain as aforesaid, and that it be sent to the House of Representatives for their concurrence.

A message was received from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have read three several times and passed a bill to be entitled an act requiring the branch bank at Huntsville and Decatur to deposit their portion of thirty-six thousand dollars in the State bank.

On motion of Mr McVay, the message from the House was laid on the table.

A message was received from his Excellency the Governor, by Mr Garrett.

Mr President: His Excellency the Governor, on yesterday, approved bills of the following titles, to wit:

An act concerning suits against executors and administrators and guardians.

Joint resolutions for the relief of Thomas Kellough, tax collector of Sumter county, and for other purposes; which originated in the Senate.

A bill to be entitled an act to repeal the general ticket system in elections for Representatives in Congress from the State of Alabama, was on motion of Mr King, ordered to be laid on the table.

On motion of Mr Hudson, the message from the House was taken from the table.

A bill from the House of Representatives to be entitled an act, requiring the branch bank at Huntsville and Decatur, to deposit their proportion of thirty six thousand dollars in the State bank, was read a first time, and the constitutional rule being dispensed with, it was read a second time, and the constitutional rule being further dispensed with, was read a third time forthwith and passed.

Ordered that the title remain as aforesaid.

On motion of Mr Hudson, the special orders were suspended, for the purpose of enabling Mr Thornton to offer a petition.

Mr Thornton presented the petition of Wm. Lyle, of Greene County, the reading of which was dispensed with, and on motion referred to the committee on propositions and grievances.

On motion of Mr Watrous, the special orders were further suspended.

Mr Watrous introduced a bill to be entitled an act in reference to the duties of county clerks in this State, which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and referred to the committee on the judiciary.

On motion of Mr Dent, the Senate then adjourned until to-morrow morning 10 o'clock.

SATURDAY, Dec. 4, 1841.

The Senate met pursuant to adjournment.

Mr Rodgers presented the account of Matthias E. Gary, Sheriff of Sumter county, the reading of which was dispensed with, and on motion referred to the committee on accounts and claims.

Mr McConnell presented the petition of Eli Shortridge and John P. Booth, the reading of which was dispensed with, and on motion, referred to the committee on the judiciary.

Mr King presented the petition of sundry citizens of Pickens county, the

reading of which was dispensed with, and on motion referred to the committee on the judiciary.

The Senate then proceeded to the consideration of the orders of the day. Engrossed bills of the following titles, to wit:

An act to amend an act to incorporate the Tuscaloosa Guards.

An act to more fully explain the 1st, 2nd, 3rd, and 4th sections of the 14th chapter of the penal code, upon the subject of pardons and reprieves,

An act to prohibit the increase of the salary to any officer of the State bank, or either of the branch banks.

An act for the relief of Bethel Holmes.

An act to amend an act entitled an act to incorporate the Marion Female Association, approved 9th January, 1841.

An act to compel the commissioners and officers of the different banks in this State, to make their reports according to law.

An act for the benefit of T. G. K. Shannon.

An act to regulate writs of error.

An act respecting depositions, &c.

An act to repeal in part, and amend the law regulating the practice in chancery courts.

An act to expedite the settlement of the estates of deceased persons.

An act to amend an act entitled an act more effectually to provide for decisions at common law, approved 23rd December, 1837, were severally read a third time, and passed.

Ordered that the titles of the same remain as aforesaid.

A bill from the House of Representatives, to be entitled an act to appoint court house commissioners of the county of Tallapoosa, and for other purposes therein specified, was read a third time, and on motion of Mr Dailey, referred to a select committee; whereupon Messrs Dailey, Reese and Buford, were appointed said committee.

A bill from the House of Representatives to be entitled an act to repeal in part an act, regulating punishments under the Penitentiary system, approved January 9th, 1841, was read a second time and on motion of Mr King, referred to the judiciary committee.

Bills from the House of Representatives of the following titles, to wit,

An act fixing the the time of holding justices' courts in the counties of Coosa and Autauga, and for othes purposes.

An act to incorporate the Mobile Hook and Ladder Company, No. 1, and Fire Insurance Companies No. 36 and '7, of the city of Mobile.

An act to repeal in part and amend an act entitled an act to incorporate the Selma and Tennessee Rail Road Company, approved Dec. 22, 1836.

An act to repeal the General Ticket law, were severally read a second ttime, and ordered to a third reading.

A bill from the House of Representatives to be entitled an act to establish an additional regiment of the militia of this State in the county of Talladega, was read a second time, and the constitutional rule being dispensed with, it was read a third time forthwith, and passed.

Ordered that the title remain as aforesaid.

Bills of the following titles, to wit:

An act to amend an act to incorporate the Madison Turnpike Company, approved January 14, 1834.

An act to confirm the will of Martin Kirby, late of Mobile county, deceased.

An act to renew medical pursuits in certain cases, were severally read a second time, and ordered to be engrossed for a third reading.

Engrossed bill to be entitled an act to authorise the tax collector of Jackson county, to receive jurors certificates and State claims that have become a county charge, in payment of taxes due said county, were read a third time and passed.

Engrossed bill to be entitled an act authorizing the State bank and its several branches to appoint bank Marshalls, was read a third time.

Mr Rodgers moved its indefinite postponement, which was lost. Yeas 11, Nays 13.

Those who voted in the affirmative are Messrs Address, Foster, Hall, Lea, McAllister, McVay, Phillips, Reese, Rodgers, Watrous and Wilson of J.

Those who voted in the negative are Messrs President, Baylor, Brindley, Clarke, Creagh, Dailey, Dent, Hudson, King, McClanahan, McConnell, Ross and Toulmin.

Mr Hall moved to postpone the bill until Monday next, and make it the special order for 11 o'clock on that day, which was lost.

The question then recurred on the passage of the bill, which was carried. Yeas 14, Nays 12.

Those who voted in the affirmative are Messrs President, Baylor, Brindley, Buford, Clarke, Cregh, Dent, Hudson, King, McClanahan, McConnell, Ross, Toulmin and Turner.

Those who voted in the negative are Messrs Address, Dailey, Foster, Hall, Lea, McAllister, McVay, Phillips, Reese, Rodgers, Watrous and Wilson of J.

Ordered that the title remain as aforesaid.

Engrossed bill to be entitled an act to provide for the payment of provisions furnished the troops, while in the service of the United States, was read a third time, and the bill being on its passage, the question was taken thereon, and lost.

An engrossed bill to be entitled an act to regulate and fix the fees of witnesses when the State is a party, was read a third time, and on motion of Mr Lea referred to a select committee; whereupon Messrs Lea, Dent, and McConnell were appointed said committee.

A bill to be entitled an act to authorise the election of justices of the peace in the town of Greenville, Butler county, was read a second time and on motion of Mr Lea, referred to the committee on the judiciary.

A bill from the House of Representatives to be entitled an act for the better securing mechanics, in the city and county of Mobile, was read a third time and passed.

Ordered that the title remain as aforesaid.

An engrossed bill from the House of Representatives to alter and amend the laws of this State, relative to the collection of claims of steam boats and other water craft, navigating the waters of Alabama, was read a second time, and on motion of Mr Phillips, referred to the committee on internal improvement and inland navigation.

A bill to be entitled an act to amend an act entitled an act for the government of the port and harbor of Mobile, approved Dec. 23rd, 1822, was read

a second time, and the constitutional rule being dispensed with, it was read a third time and passed.

Ordered that the title of the same remain as aforesaid.

A bill from the House of Representatives to be entitled an act to incorporate the town of Dadeville, in Tallapoosa county, was read a second time, and on motion of Mr Reese referred to a select committee; whereupon Messrs Reese, Dailey and Dent were appointed said committee.

An engrossed bill to be entitled an act to establish jury trials in justices' courts, was read a third time and passed. Yeas 16, Nays 8.

Those who voted in the affirmative are Messrs President, Brindley, Buford, Clarke, Creagh, Dailey, Dent, Foster, Hall, Lea, McConnell, Oliver, Reese, Ross, Toulmin and Womack.

Those who voted in the negative are Messrs Andress, Baylor, Hudson, King, McAllister, McClanahan, McVay and Turner.

Ordered that the title remain as aforesaid.

An engrossed bill to be entitled an act to regulate the purchase of bills of exchange by the branch of the bank of the State of Alabama at Mobile, was read a third time and passed.—Yeas 21, Nays 5.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Buford, Clarke, Creagh, Foster, Hall, Hudson, King, McAllister, McClanahan, McConnell, McVay, Oliver, Reese, Ross, Toulmin, Turner, Wilson of J., and Womack.

Those who voted in the negative are, messrs Andress, Daily, Dent, Lea, and Phillips.

Ordered, that the title remain as aforesaid.

A bill to be entitled an act to compensate losses occasioned by the pressing a horse in the Creek service, was read a second time.

Mr Creagh moved to strike out three hundred and fifty, where it occurs before the word dollars, in said bill, with a view to insert fifteen hundred and seventy-five; which was carried. Yeas 14—Nays 9.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Creagh, Daily, Dent, Foster, Hudson, Lea, McConnell, McVay, Ross, Turner and Wilson of J.

Those who voted in the negative are, messrs Andress, Hall, King, McAllister, Oliver, Reese, Rodgers, Toulmin and Womack.

Mr Oliver moved to fill the blank with "three hundred;" which was lost. Yeas 7—Nays 16.

Those who voted in the affirmative are, messrs Andress, Hall, King, McAllister, Oliver, Rodgers and Womack.

Those who voted in the negative are, messrs President, Baylor, Brindley, Creagh, Daily, Dent, Foster, Hudson, Lea, McClanahan, McConnell, McVay, Ross, Toulmin, Turner and Wilson of J.

Mr Reese moved to fill the blank with "two hundred and twenty-five."

Mr Buford moved to lay the bill on the table; which was lost.

The question then recurred on Mr Reese's motion to fill the blank with "two hundred and twenty-five;" which was carried.

The bill was then ordered to be engrossed for a third reading.

Joint resolutions authorizing Arther Foster, to draw and receipt for the pay of John H. Garrett, late a member of the House of Representatives from the county of Cherokee, was read a second time, and ordered to be engrossed for a third reading.

Engrossed bill, to be entitled an act to amend the charter of the Alabama Life and trust company of Mobile, was read a third time and passed.

Ordered, that the title remain as aforesaid.

A bill to be entitled an act to incorporate the Stockton steam-boat and ware-house company, in the county of Baldwin, was read a second time.

Mr. Baylor offered the following amendment, to wit:

And provided further, that the individual property of the corporators, shall be liable for all debts contracted by said corporation, and in the event of any judgment being obtained against said corporation, and an execution returned thereon nulla bona, the said judgment shall be deemed and taken in law, as a judgment against any of the said corporators, or their assignees, and execution may be sued out accordingly; which was adopted. Yeas 16—Nays 11.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Daily, Foster, McAllister, McClanahan, McConnell, McVay, Reese, Ross, Rodgers, Turner and Wilson of J.

Those who voted in the negative are, messrs Address, Buford, Dent, Hall, Hudson, King, Lea, Phillips, Toulmin, Watrous and Womack.

The bill as amended, was ordered to be engrossed for a third reading.

Engrossed bill, to be entitled an act for the relief of Robert Douglass, was read a third time, and on motion of Mr Lea, ordered to lie upon the table.

A bill from the House of Representatives, to be entitled an act to regulate the proceedings of the circuit court of Montgomery county, and for other purposes; was read a third time and passed.

Mr Phillips moved to strike out the present caption and insert in lieu thereof, the following, to wit:

A bill to be entitled an act to regulate the proceedings of the several circuit courts in this State; which was carried.

Mr Rodgers from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, a bill to be entitled an act authorising the executor of Blaney Bland, to dispose of the goods wares and merchandize of his testator at private sale or otherwise.

The hour of 11 o'clock having arrived, the special orders came up, and on motion of Mr Baylor suspended, for the purpose of enabling him to make a report.

Mr Baylor from the judiciary committee, to whom was referred a bill to be entitled an act to secure a homestead to every family in this State, reported the same back to the Senate, with sundry amendments.

On motion of Mr Watrous, the bill, together with the report was ordered to lie upon the table. Yeas 15—Nays 11.

Those who voted in the affirmative are, messrs President, Baylor, Clarke, Creagh, Daily, Dent, Foster, King, Lea, McAllister, McClanahan, McVay, Phillips, Toulmin and Watrous.

Those who voted in the negative are, messrs Brindley, Hall, Hudson, McConnell, Oliver, Reese, Ross, Rodgers, Turner, Wilson of J., and Womack.

On motion of Mr Address, the special orders were further suspended for the purpose of enabling him to make a report.

Mr Address from the committee on propositions and grievances, to which was referred, the memorial of Elison Warren of Barbour county, reported a bill, to be entitled an act for the relief of Elison Warren late tax collector of Barbour county, which was read and ordered to a second reading.

On motion of Mr Phillips, the further consideration of the special orders was postponed until Monday next.

A message was received from the House of Representatives, by Mr Cook.

Mr President,—The House of Representatives concur in the amendments made by the Senate to the bill to alter the manner of compensating executors and administrators in certain cases.

They have passed bills which originated in the Senate of the following titles, to wit:

An act to authorize the executors of Blaney Bland, late of Greene county, to dispose of the goods, wares and merchandize of the testator, at private sale, or otherwise.

An act to authorize the Comptroller of public accounts to draw his warrant on the State Treasurer, in favor of Sion L. Perry, for the balance of the salary due the late Horatio G. Perry, judge of the 2d judicial circuit.

An act to confirm the will of Thomas Murphy, deceased.

An act to change the time of convening the General Assembly.

An act to compensate the commissioners of roads and revenue in the counties of Dale and Wilcox, and for other purposes; and have amended the same as therein shewn.

An act to authorize Norborn E. Chandler of Sumter county, to sell goods, wares and merchandize in said county, without license, and have amended the same, as therein shewn.

An act to alter the mode of collecting and assessing the taxes of Limestone county, and have amended it as therein shewn.

In all of which they ask the concurrence of the Senate.

They have also passed bills which originated in the House of Representatives, of the following titles, to wit:

An act to divorce Joseph Daniel from his wife Hulda Daniel.

Joint resolutions relative to certain records.

An act requiring the county officers of Marshall county, to receive certain claims therein named.

An act to extend the time for collecting the county school and road tax in the county of Mobile and for other purposes.

An act to change the name of Alfred B. Palmore.

An act to divorce Amanda White from her husband Wm. A. White.

An act to change the time of holding the county court of Tallapoosa county.

An act to compel the county Treasurer of Pickens county, to reside at or near the county site.

An act authorizing an additional surveyor in Sumter county.

An act for the relief of Sarah Squires.

An act to change the mode of appointing apportioners within the county of Walker, also

Joint resolutions in relation to the banks.

In all of which they ask the concurrence of the Senate.

Mr President laid before the Senate, a presentment of the grand jury of Mobile county, for the Spring term 1841, the reading of which was dispensed with, and on motion of Mr Watrous, referred to the judiciary committee.

A joint resolution from the House of Representatives, in relation to the debtors of the bank of the State of Alabama and its several branches, was

read, and on motion of Mr Lea, referred to the committee on the State bank.

Bills from the House of Representatives, of the following titles, to wit:

An act to change the mode of appointing apportioners within the county of Walker.

An act for the relief of Sarah Squires.

An act authorising an additional surveyor for Sumter county.

An act to change the time of holding the county court of Tallapoosa county.

An act to divorce Amanda White from her husband Wm. A. White.

An act to change the name of Alfred B. Palmore.

An act to divorce Joseph Daniel from his wife Huldah Daniel.

An act to require the county officers of Marshall county, to receive certain claims therein named, and

Joint Resolutions in regard to certain records, were severally read and ordered to a second reading.

A bill from the House of Representatives, to be entitled an act to compel the county treasurer to reside at or near the county site, was read a first time, and the constitutional rule being dispensed with, it was read a second time and ordered to a third reading.

A bill from the House of Representatives, to be entitled an act to extend the time for collecting the county school and road tax in the county of Mobile, for the year 1841, and for other purposes; was read and the constitutional rule being dispensed with, read a second time, and on motion of Mr Toulmin, referred to a select committee; whereupon messrs Toulmin, King and Lea were appointed said committee.

The amendment of the House to the bill authorising Norborn E. Chandler, to sell goods, wares and merchandize in the county of Sumter without a license, was rejected.

The amendment of the House, to the bill compensating the commissioners of certain counties, being under consideration,

Mr King moved to lay it upon the table, which was carried.

The amendments of the House, to the bill to be entitled an act to alter the mode of assessing and collecting the taxes of Limestone county, were concurred in by the Senate.

A message was received from his Excellency the Governor, by Mr Garrett:

Mr President,—His Excellency the Governor, this day approved bills of the titles following:

An act to amend the charter of the bank of the State of Alabama, and the several branch banks, in the mode of collecting their debts, and for other purposes, and

An act to amend and explain an act entitled an act for the relief of Elizabeth Morris, approved 9th January, 1836.

On motion of Mr Lea: **RESOLVED**, that the committee on the State bank be instructed to ascertain and report the reason to the Senate, why it is that the business of said bank and branches in Mobile, is done mostly with or through the stock banks, instead of the branch of the Bank of the State at that point, and that said committee report a bill presenting a different course if they deem it advisable.

On motion of Mr King, the bill to be entitled an act to compensate the

commissioners of roads and revenue in certain counties, was taken from the table.

Mr Ross moved that the Senate concur in the amendment made by the House thereto; which was carried.

Mr Foster offered a joint resolution proposing to alter the 12th section of the 5th Article of the Constitution of the State of Alabama, making the judges of the county courts elected by the people, which was read a second time and on motion of Mr Dent, referred to the judiciary committee.

On motion of Mr McClanahan: **RESOLVED**, that the judiciary committee be instructed to inquire into the expediency of amending the law in relation to trustees, so as to authorise the register in chancery, to give the notice by publication that is now required to be given by the trustee, before he can resign his trust.

On motion of Mr Hudson, the vote just taken, refusing to concur in the amendment of the House to the bill for the benefit of Norborn E. Chandler, was reconsidered. The question then recurred on concurring; which was carried.

Mr Daily introduced a bill, to be entitled an act in relation to dower; which was read and ordered to a second reading.

Mr Dent presented the following report:

To the honorable the General Assembly of the State of Alabama: The undersigned commissioners appointed to superintend the erection of a State Arsenal, respectfully report to your honorable body, that after having considered the various proposals for the erection of buildings and sale of suitable houses, they purchased of Daniel M. Forney, a new brick building on main street, for which they paid him the sum of two thousand dollars, out of the appropriation made for that purpose by the last General Assembly, reserving five hundred dollars for the alterations and repairs of the house, deemed necessary to render it safe and suitable; of that amount there now remains in the treasury, one hundred and fifty dollars and ninety-four cents, which however, the commissioners believe will be fully covered by the completion of the repairs. Under this state of facts, they would respectfully recommend a further appropriation of one thousand dollars, to be made to the said Daniel M. Forney, as the sum paid to him was, and is, considered entirely inadequate to the value of the property received of him, and as it was agreed between them at the time of the purchase, that they should request most respectfully this act of appropriation at your hands.

DENNIS DENT, President of the Board of Com.

JONES M. WITHERS, Secretary.

On motion of Mr Dent, the report was referred to the committee on propositions and grievances.

On motion of Mr Thornton: **RESOLVED**, with the concurrence of the House of Representatives, that the two Houses of the General Assembly, when they shall assemble in the hall of the House of Representatives, on Friday, the 7th instant, to go into election of Solicitors of the 8th and 9th judicial circuits, shall also go into the election of five persons, to constitute a board of physicians, at the town of Livingston, Sumter county.

On motion of Mr King, the Senate then adjourned until Monday morning, 10 o'clock.

MONDAY, Dec. 6, 1841.

The Senate met pursuant to adjournment.

Mr Toulmin presented the petition of the Mayor and Alderman and Common Council of Mobile, the reading of which was dispensed with, and on motion referred to the committee on propositions and grievances.

Mr Toulmin presented the petition of the officers of first volunteer regiment of Alabama militia in the county of Mobile, the reading of which was dispensed with, and on motion referred to the committee on military affairs.

Mr Turner presented the account of Wm. B. Figures, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Lea from the committee on internal improvement and inland navigation, to whom was referred the petition of some three hundred persons in behalf of John Cooper, a contractor for the improvement of McGrew's shoals in the Tombecbee river, reported that they had patiently and deliberately examined the merits of the petition, and asked leave to make the following statements.

By an act approved 20th December 1837, entitled an act to establish a board of commissioners for the improvement of the navigation of the Tombecbee river, and for other purposes, the sum of twenty-five thousand dollars was appropriated for the purpose of removing obstructions between the town of St. Stephens and the junction of said river with the Warrior river. By reference to the reports of the engineer and the commissioners, the committee ascertain that there are now twenty obstructions at low water, called shoals, between said points. The shoals are formed principally of ledges of rock, of a soft quality, extending, in most instances, nearly or quite across the stream. The McGrew shoal, which is just above St. Stephens, is the worst obstruction of much obstinacy or importance. This is the obstruction the removal of which Cooper undertook as a contractor. This is the site on which some work has been done in pursuance of the act. Here is the point at which the amount appropriated, has been almost entirely expended.

The committee regret to have to report that but a small portion of the amount has been spent for labor actually done, on even this portion of the proposed improvements. It seems that the principal portion of the amount was paid for preparatory arrangements—axaminations, machinery, &c. highly expensive and costly, compared with the original appropriation.

From the investigations we have been able to make, and after having read over carefully, the voluminous testimony of many witnesses, taken and reduced to writing by a committee of the House of Representatives at the last annual session. The committee have come to the following conclusions:

1. The amount appropriated is wholly inadequate to the completion of the improvement of the river as contemplated.

2. It is questionable whether the improvement upon the plan upon which it was projected, will result in any public benefit, and incline to the belief decidedly, that it will not with any amount of expenditure.

3. That John M. Cooper ought in justice and equity to have some compensation for the work he has done, or to be reinstated as near as may be in his contract.

In the first place, there having been no annual report made by commissioners to the general assembly, as the act prescribes, or at any rate never

having been referred to this committee, we cannot pretend to be precise as to amounts expended, or to be expended, or as to the quantity or actual value of the labor performed up to this date, except from the evidence already alluded to. True, we have availed ourselves of the sources of information in our reach, such as the evidence before mentioned—a letter of a Captain of a steamboat navigating the river, and the statement or affidavit of gentlemen who reside or have occasionally been in the neighborhood of the work, as well as the report made by the commissioners at former sessions.

Of the twenty-five thousand dollars appropriated, there is said to be remaining only 16 or 18 hundred dollars, which is in the hands of the present board of commissioners—the balance as above stated has been paid out for surveys and examinations—for a dredge boat and other instruments, and machinery, perhaps unnecessary, as preparatory arrangements. And but little more than five hundred dollars has been paid for work on the river; that five hundred dollars or upwards has been paid to John M. Cooper, the undertaker, and by whom the work has been principally executed.

The obstruction in McGrew's Shoal has not yet been removed, and if removed, would not be more than one sixth of the work to be done, on the scale on which it has been begun.

That the appropriation therefore is inadequate, needs no further illustration.

It may be remarked, however, that Cooper has proposed that he would be willing to complete the excavation as commenced through the McGrew's Shoals, for six hundred dollars, provided he can be paid for the work he has already done.

2. As to the utility of the improvement at all, on either plan projected, the committee learn that the obstructions consist of numerous shoals as above mentioned, separated from one to ten miles from each other along the course of the river, each of which, in proceeding upwards, has a considerable elevation above the one below, and that excavating any one so as to make the channel over it deeper and wider, causes an elevation of the next above, or which is the same thing, a fall in the water immediately below, rendering in all cases a still deeper excavation necessary in ascending. So without pretending to a thorough knowledge of the science of engineering, unless some plan should be adopted to prevent such an occurrence, such as expensive stone walls to elevate or narrow the channel, or the construction of locks, such as are used on canals, or unless the work should be confined to the removal of permanent obstacles, without draining the channel, any great practicable benefit to the public may not be expected.

J. M. Cooper, as appears by a contract between himself and the board, under date 3d. Sept. 1838, for the sum of thirteen thousand dollars, undertook to remove the obstruction or make a suitable channel at McGrew's Shoals, under very rigid restrictions, which are very distinctly and well defined in the contract, by the first day of January, 1840. There seems to be some conflict in the evidence as to the manner in which he was prosecuting the work, and as to the prospect of its completion under the contract; at all events, all agree, that he had done a large portion of the work, in strict pursuance of the contract, or otherwise.

But the board in pursuance of an intimation several times previously given to Mr Cooper, believing as they alleged, that he would not be able to com-

to the work within the time limited, did on the 20th Sept. 1839, by a formal order, discharge him from the work, and pronounce the contract null and void, something more than three months before the expiration of the time limited. There were other matters of dispute and mutual complaint between the parties, which need not be noticed.

Mr Cooper manifested a willingness either to be restored to the position he occupied under the contract, or to receive at the hands of the legislature reasonable compensation for the labor he has done, and the amount of money he has paid out.

The statement of the amount to which he deems himself justly entitled, may be stated as follows, to wit:

His own services as contractor,	:	:	:	:	\$1,400
Money either due or paid out by him for hands and assistants,					4,600
					\$6,000
Or, by cash paid him by commissioners in July 1839,	:				500
					\$5,500
Interest from 20th Sept. 1839, the time he was removed, to 1st Dec.					965
					\$6,465

Having taken this brief summary view of some of the principal facts, the question arises, is it consistent with the true interest of the State, or is there any principle of justice requiring that the prayer of the petitioner, however numerous and respectable the names by which it is sustained, to restore Cooper to his contract, should not be granted by the legislature.

If the improvement at that point on the river can be completed, as intimated by Cooper, for the additional amount of some \$500 or \$600, and in such a manner as to improve the navigation, the committee feel no hesitancy in recommending that course. If not, however, your committee feel bound by a sense of justice to state, that Cooper should be reimbursed the expenses he has sustained, and paid for the labor he has actually performed; but are inclined to think that under all the circumstances, the amount of the account as above rendered, is too large by some thousand dollars. For the purpose, therefore, of getting clear of this perplexing subject, and of presenting the whole matter distinctly, and in a tangible form before the Senate, for their just and enlightened action, your committee respectfully beg leave herewith to report a bill to be entitled an 'act to compensate John M. Cooper, a contractor for work on the Tombigbee river, and for other purposes; which was read and ordered to a third reading.

Mr Lea, from the same committee to whom was referred a bill from the House of Representatives to be entitled an act to alter and amend the laws of this State relative to collections of claims against steamboats and other water crafts navigating the waters of the State of Alabama, reported the same to the Senate without amendment, and recommended its passage.

The bill was placed among the orders of the day.

Mr Dent, from the select committee to which was referred a bill from the House of Representatives to be entitled an act for the relief of Harriett A. Hatfield, reported that the committee has stricken from the bill all except the 1st section thereof, and thus amended, recommended its passage.

The report of the committee was concurred in. Yeas 17. Nays 5.

Those who voted in the affirmative are, Messrs President, Baylor, Clarke, Creagh, Dailey, Dent, Foster, Hall, Hunter, Lea, McAllister, McClanahan, McVay, Oliver, Phillips, Reese, and Turner.

Those who voted in the negative are Messrs Ross, Rodgers, Toulmin, Wilson of J. and Womack.

The bill was then read a 2d time, and ordered to a 3d reading. Yeas 16. Nays 7.

Those who voted in the affirmative are Messrs Clarke, Daily, Dent, Foster, Hall, Hunter, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, Messrs President, Baylor, Creagh, McClanahan, McVay, Rodgers, and Womack.

Mr Phillips, from the committee on the judiciary, to whom was referred a bill to be entitled an act to authorise the executors of David White, deceased, to administer said decedents estate in the county courts of certain counties therein named, reported the same back to the Senate without amendment and recommended its passage. The bill was then placed among the orders of the day.

Mr Hall, from the committee on the penitentiary, to which was referred the memorial of John H. Thomas & Co. reported that it was inexpedient to grant the prayer of the memorialists, and asked leave to be discharged from the further consideration of the same.

Mr Hall moved to disagree to the report, so far as relates to that portion of the memorial, which has reference to extra work alledged to have been done on the Penitentiary.

Mr Phillips moved to lay the report upon the table, which was carried.

Mr Reese, from the committee on retrenchment, to whom was referred a resolution proposing to reduce and define the fees of certain officers, reported a bill to be entitled an act, to reduce and define the fees of certain officers therein named, which was read and ordered to a second reading.

Mr Toulmin, from the select committee to whom was referred a bill to be entitled an act to extend the time for collecting the county school and road tax, in the county of Mobile for the year 1841, and for other purposes, reported the same back to the Senate, with an additional section thereto, and thus amended, recommended its passage; the amendment was concurred in by the Senate, and the constitutional rule being suspended, the bill was read a third time and passed.

Ordered that the title of the same remain as aforesaid.

Ordered that it be sent to the House of Representatives for their concurrence.

Mr Phillips introduced a bill to be entitled an act to amend an act relative to absconding slaves, approved January 28, 1839, which was read a first time, and the constitutional rule being dispensed with, it was read a second time and on motion of Mr Phillips, referred to the judiciary committee.

Mr McClanahan introduced a bill to be entitled an act, to amend the several acts, in relation to the trial of the right of property, which was read and ordered to a second reading.

Mr Brindley introduced a bill to be entitled an act better to secure bad, unknown and doubtful debts, which was read and ordered to a second reading.

Mr Buford introduced a bill to be entitled an act to enforce liabilities of Sheriffs in respect of defaults and misfeasance in office, which was read and ordered to a second reading.

Mr Ross introduced a bill to be entitled an act in relation to the causeways in the county of Wilcox, which was read and ordered to a second reading.

Mr McConnell introduced a bill to be entitled an act authorizing the commissioners' court of Talladega county, to levy a tax for certain purposes, which was read a first time and the constitutional rule being dispensed with, it was read a second time forthwith, and ordered to be engrossed for a third reading.

Mr Toulmin introduced a bill to be entitled an act to amend an act passed 7th January, 1841, entitled an act for the promotion of the health and convenience of the city of Mobile, by the introduction into said city, a supply of wholesome water to be used for domestic purposes, and for the extinguishment of fires, which was read and ordered to a second reading.

Mr Toulmin introduced a bill to be entitled an act to incorporate the 1st regiment of volunteer militia, in Mobile county, which was read and ordered to a second reading.

A message was received from the House of Representatives by Mr Cooke.

Mr PRESIDENT: the House of Representatives have read three several times and passed bills which originated in the Senate, of the following titles, to wit:

An act to ascertain and fix permanently the line between the counties of Jackson and Madison, and have ammended the same as therein shewn.

An act to fix and permanently establish the boundaries of the 48th and 89th regiments of the Alabama militia, in the city and county of Mobile, and have amended the same as therein shewn, in which they ask the concurrence of the Senate.

They have also passed bills which originated in the House, of the following titles, to wit:

An act to incorporate the musical society, of the city of Mobile, and for other purposes.

Joint resolutions for the sale of the decisions of the supreme court of Alabama.

An act to incorporate the Burnt Corn male academy, in the county of Conecuh.

An act for the benefit of the estate of John S. Gray, deceased.

In all of which they ask the concurrence of the Senate.

The amendments of the House, to the bill to ascertain and fix permanently the line between the counties of Jackson and Madison; and

The bill to fix and permanently establish the boundaries of the 48th and 89th regiments of Alabama militia, in the city and county of Mobile; were severally concurred in by the Senate.

Bills from the House of Representatives of the following titles, to-wit:

An act to incorporate the Burnt Corn male academy, in the county of Conecuh.

An act for the benefit of the estate of John S. Gray, deceased.

An act to incorporate the Medical society of the city of Mobile, and for other purposes; were severally read and ordered to a second reading.

A joint resolution from the House of Representatives for the sale of the

ions of the supreme court of Alabama, was read and ordered to a second reading.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed bills of the following titles, to wit:

An act to renew medical pursuits in certain cases.

An act to confirm the will of Martin Kirby, late of Mobile county, dec'd.

An act compensating losses occasioned by pressing a horse in the Creek service.

An act to amend an act to incorporate the Madison Turnpike Company, approved January 14th, 1831, and joint resolutions authorising Arthur Foster to draw and receipt for the pay of John H. Garrett, late a member of the House of Representatives, from the county of Cherokee, were severally read a third time and passed.

Ordered that the titles remain as aforesaid.

Bills from the House of Representatives of the following titles, to wit:

An act to incorporate the Hook and Ladder company, No. 1, and fire companies, No. 36 and '7, of the city of Mobile.

An act fixing the time of holding justices' courts in the counties of Coosa and Autauga, and for other purposes, were each read a third time and passed.

Ordered that the title remain as aforesaid.

Engrossed bill to be entitled an act to incorporate the Stockton Steam Boat and Ware House Company; in the county of Baldwin, was read a third time and passed—Yeas 18, Nays 8.

Those who voted in the affirmative are Messrs President, Address, Clarke, Creagh, Dailey, Dent, Foster, Hall, McAllister, McConnell, McClanahan, McVay, Oliver, Phillips, Reese, Ross and Turner.

Those who voted in the negative are Messrs Baylor, Brindley, Hunter, King, Lea, Rodgers, Watrous and Wilson of J.

Ordered that the title of the same remain as aforesaid.

A bill from the House of Representatives to be entitled an act to repeal the General Ticket Law, being on its third reading, was on motion of Mr Foster, postponed until Friday next, and made the special order for 11 o'clock on that day.

A bill from the House of Representatives to be entitled an act to repeal in part and amend an act to incorporate the Selma and Tennessee Rail Road company, approved Dec. 22nd, 1836, was read a third time and passed.

Ordered that the title remain as aforesaid.

A bill to be entitled an act to prevent frauds in elections, was read a second time.

Mr Dailey moved to strike out of the fifth section the following:

"That hereafter, in any election in this State, it shall be unlawful for any voter to vote out of the county of his residence, and if any person shall violate the provisions of this section, he shall be deemed guilty of a misdemeanor, and on conviction thereof in the circuit court on indictment, shall be fined in any sum, not less than two hundred dollars, nor more than four hundred dollars. And on default of the payment of the fine assessed, shall be imprisoned in the county jail, a term not less than one month, nor exceeding four months, at the discretion of the court," which was lost.—Yeas 8, Nays 19.

Those who voted in the affirmative are Messrs Baylor, Dailey, Hunter, Lea, Oliver, Phillips, Ross and Womack.

Those who voted in the negative are, messrs President, Andress, Brindley, Clarke, Creagh, Dent, Foster, Hall, King, McAllister, McClanahan, McConnell, McVay, Reese, Rodgers, Toulmin, Turner, Watrous and Wilson of J.

On motion of Mr Watrous, the prviso to said 5th section was stricken out. The question then recurred on ordering the bill to be engrossed, and the vote being taken thereon, it was lost. Yeas 14. Nays 14.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hall, King, Lea, McAllister, McConnell, Reese, Toulmin, and Turner.

Those who voted in the negative are, messrs Andress, Buford, Dailey, Dent, Hunter, McClanahan, McVay, Oliver, Phillips, Ross, Rodgers, Watrous, Wilson of J. and Womack.

A bill from the House of Representatives to be entitled an act to compel the county treasurer of Pickens county, to reside at or near the county site, was read a third time and passed. Yeas 26—Nays 1.

Those who voted in the affirmative are, messrs President, Andress, Brindley, Clarke, Creagh, Dailey, Dent, Foster, Hall, Hunter, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Ross, Rodgers, Toulmin, Turner, Watrous, Wilson of J. and Womack.

Mr Baylor voted in the negative.

A bill to be entitled an act for the relief of Elison Warren, late tax collector of Barbour county, was read a second time and ordered to be engrossed for a third reading.

A bill from the House of Representatives to be entitled an act for the relief of Sarah Squires, was read a second time, and on motion of Mr Watrous, ordered to be laid on the table.

A bill from the House of Representatives to be entitled an act to change the time of holding the county court of Tallapoosa county, was read a second time, and on motion of Mr Reese, referred to a select committee.

Whereupon messrs Reese, Dailey and Phillips were appointed said committee.

A bill from the House of Representatives to be entitled an act to divorce Amanda White from her husband Wm. A. White, was read a second time, and on motion of Mr Reese, referred to the committee on divorce and alimony.

A bill from the House of Representatives to be entitled an act to divorce Joseph Daniel from his wife Huldah Daniel, was read a second time, and on motion of Mr Rodgers, referred to the committee on divorce and alimony.

A bill to be entitled an act in relation to dower, was read a second time, and on motion of Mr Baylor, referred to the committee on the judiciary.

Bills from the House of Representatives of the following titles, to wit:

An act to change the mode of appointing apportioners within the county of Walker.

An act authorising an additional surveyor for Sumter county.

An act to change the name of Alfred B. Palmore.

An act to require the county officers of Marshall county to receive certain claims therein named.

Joint resolutions in regard to certain records.

An act to alter and amend the laws of this State relative to the collection

of claims against steamboats and other water crafts navigating the waters of Alabama, was severally read a second time and ordered to a third reading.

A bill to be entitled an act to authorise the executors of David White, deceased, to administer said decedents estate in the county courts of certain counties therein named, was read a second time, and the constitutional rule being dispensed with, it was read a third time and passed.

Ordered, that the titles remain as aforesaid.

On motion of Mr Turner, the vote taken yesterday on refusing to pass a bill for the payment of provisions furnished the troops while in the service of the United States, was reconsidered.

On motion of Mr McConnell, the bill was referred to a select committee.

Whereupon messrs McConnell, Buford and Turner, were appointed said committee.

Mr Turner asked leave to withdraw the account of Wm. D. Figures; which was granted.

The Senate then took up the special orders.

A bill to accept the two per cent. fund, was read a second time.

Mr Baylor moved to postpone its further consideration until Monday next; which was lost. Yeas 12—Nays 16.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, McAllister, McClanahan, McVay, Rodgers, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs Address, Buford, Dailey, Dent, Foster, Hall, Hunter, King, Lea, McConnell, Oliver, Phillips, Reese, Ross, Watrous and Womack.

The bill was then ordered to be engrossed for a third reading. Yeas 20—Nays 9.

Those who voted in the affirmative are, messrs Address, Buford, Clarke, Creagh, Dailey, Dent, Foster, Hall, Hunter, King, Lea, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Watrous and Womack.

Those who voted in the negative are, messrs President, Baylor, Brindley, McAllister, McClanahan, McVay, Rodgers, Turner and Wilson of J.

A bill to provide for the removal of the seat of government, was read a third time and passed. Yeas 17—Nays 12.

Those who voted in the affirmative are, messrs Address, Clarke, Creagh, Dailey, Foster, Hall, Hunter, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Toulmin, Turner, Watrous and Womack.

Those who voted in the negative are, messrs President, Baylor, Brindley, Buford, Dent, King, Lea, McClanahan, McVay, Rodgers, Thornton and Wilson of J.

Ordered that the title be as aforesaid.

On motion of Mr Hunter, the special orders were suspended.

On motion of Mr Creagh, the vote taken this morning on concurring in the report of the committee upon the bill for the relief of Harriett A. Hatfield, was reconsidered.

The question then recurred on concurring in the report of the committee; which prevailed.

The bill was then read a third time.

Mr Hunter asked leave to introduce a bill for the relief of Mary Dudley, of the county of Lowndes.

The subject matter of this bill having been embraced in another bill before the Senate, and by a vote of the Senate stricken therefrom, Mr President declared it to be out of order, from which decision Mr Hunter took an appeal, and called for the yeas and nays.

The question was then put, Shall the decision of the chair remain as the sense of the Senate? which was decided in the affirmative. Yeas 13—Nays 12.

Those who voted in the affirmative are, messrs President, Andress, Baylor, Dailey, Dent, Foster, McClanahan, McConnell, McVay, Rodgers, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs Brindley, Buford, Clarke, Creagh, Hunter, King, Lea, Oliver, Phillips, Ross, Watrous and Womack.

Mr Ross, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, bills of the following titles:

An act to change the time of convening the general assembly.

An act to authorise Norborn E. Chandler, of Sumter county, to sell goods, wares and merchandise without a license, in said county.

An act to confirm the will of Thomas Murphy, deceased.

On motion of Mr McConnell, the Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, Dec. 7, 1841.

• The Senate met pursuant to adjournment.

Mr Lea, from the select committee to whom was referred a bill from the House of Representatives to regulate and fix the fees of witnesses where the State is a party, reported the same back to the Senate with sundry amendments; in all of which the Senate concurred.

The bill was then read a third time and passed.

Ordered that the title remain as aforesaid.

Mr Toulmin, from the committee on the State bank, to whom was referred the memorial of Dorcas M., Eliza, Jane and Isabella Burke, reported a bill in conformity with the prayer of the memorialist; which was read a first time, and the constitutional rule being dispensed with, it was read a second time and ordered to be engrossed for a third reading.

On motion of Mr Rodgers, the vote taken on yesterday refusing to order a bill to be entitled an act to prevent frauds in elections, to be engrossed for a third reading, was reconsidered.

The question then recurred on ordering the bill to be engrossed for a third reading; which was carried. Yeas 14—Nays 12.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Lea, McAllister, McConnell, Reese, Rodgers, Toulmin and Turner.

Those who voted in the negative are, messrs Andress, Buford, Dailey, Dent, Hunter, King, McClanahan, Oliver, Phillips, Ross, Watrous and Wilson of J.

Mr McConnell, from the select committee to whom was referred a bill appropriating money to Robert Nelson and others, reported as a substitute a bill for the relief of Robert Nelson alone; which was adopted by the Senate, read a third time and passed.

Ordered, that the title be as aforesaid.

Mr Hudson, from the committee on federal relations, made the following report:

The resolutions from the States of Massachusetts, Delaware and Pennsylvania, having for their object the distribution by Congress of the money arising from the sales of the public lands, &c., having been referred to the committee on federal relations, that committee have instructed me to report, that they have given the subject that respectful consideration which is due to the high sources from which it emanated. And while your committee have neither the time nor inclination to go into a lengthy argument in opposition to the positions assumed, yet in view of the principles involved in the question of distribution, and the important influence, if called into action, which they must exert on the operations of the United States Government, perhaps for ages to come, they feel called on to give a few plain reasons in support of their opposition to the doctrine of distribution, which is, in their opinion, has neither the sanction of the constitution of the United States, the welfare and happiness of the people, or the usages of the government from its earliest history.

The power assumed to distribute to the States, money in the treasury, whether derived from the sale of public lands, or any other source, is not derived from any express grant in the constitution, nor is it necessary or proper to carry into effect any express grant contained in that instrument, and therefore is an usurpation.

It belongs only to that class of constructive powers most strongly tending to consolidation, and which have ever received an uncompromising opposition from the Republican party.

The grant in the constitution "to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States," is a power of regulation and not of donation.

In proof of the above, Congress has from time to time, passed laws for the survey and disposition of the public lands, and when sold, the moneys arising therefrom have gone into the treasury and formed a portion of the ordinary revenue of the government. And never, until this late period in our history, has the deduction been made from that sacred instrument, that any ordinary portion of the revenue of the government could be distributed by Congress to the States from a comparatively exhausted treasury, to be replaced by taxes on the people; if such be true, the instrument calls loudly for amendment.

Again, the public lands were ceded to Congress by the States, and thereby became the property of the nation, and as we have before said, the proceeds thereof arising from the sales, is one branch of the ordinary revenue of the government. Therefore, it follows that if Congress can distribute, as proposed, one branch of the public revenue, it can with equal propriety in the same manner dispose of any other.

The same power that could distribute the proceeds of the public lands, can distribute the revenue arising from duties on imports, sell the navy yards and ships of war, and levy fresh taxes on the people to buy more.

Your committee cannot for a moment concede that such a power has been conferred on the government of the United States.

That government which exercises an unlimited power to donate its moneys and replace them by new levies on its subjects, no matter what may be its forms, is in point of fact, a despotism of an odious and oppressive character.

But it is contended by some, that the doctrine of distribution has heretofore received the sanction of Gen. Jackson, while President of the United States.

Let that great man speak for himself. In his annual message to Congress in December 1829, in speaking of the difficulties which might grow out of the contingency of an overflowing treasury, he says: "to avoid these evils it appears to me that the most just and judicious disposition which could be made of the surplus revenue, would be its apportionment among the several States, according to their ratio of representation, and should this measure not be found warranted by the constitution, it would be expedient to propose to the people an amendment authorising it. I regard an appeal to the source of power in all cases of real doubt, and when its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations."

It will readily be seen from the above, that it was a mere suggestion of President Jackson, as to the proper mode of disposing of an accumulating surplus treasury, a subject at all times of much embarrassment and difficulty.

Your committee believe that a fair construction of that portion of the message above quoted, so far from proving that President Jackson was in favor of the doctrine of distribution, seems to show conclusively, that he entertained serious doubts on that subject, as to its constitutionality; and that belief is much strengthened from the fact that it is understood, that a report was made during that session of Congress, from one of its standing committees adverse to the intimation in the message, which met the entire approbation of the President. Let it be borne in mind also, that President Jackson was speaking in relation to a surplus in the treasury. Suppose at that time there had been a deficiency instead of a surplus, no one acquainted with the principles and policy of President Jackson and his ultra abhorrence to any project in the shape of unnecessary taxation, no matter how richly gilded, will pretend to say that he would have recommended a constitutional measure having for its object the emptying of the treasury with one hand by donations to the States, and levying laws with the other to supply the vacuum. But let us go farther back, and see what President Jefferson said on the subject.

In his annual message to Congress, in December 1806, speaking in reference to accumulation of the revenue above the wants of the government, he says:

"The question then comes forward, to what objects shall these surplusses be applied;" after discussing the propriety of the applications of such fund to education and internal improvements, he adds:

"The subject is now proposed for the consideration of Congress, because if approved, by the time the State legislatures have deliberated on the extension of federal fruits, and laws shall be passed, and other arrangements made for their execution, the necessary funds will be on hand, and without employment."

"I suppose an amendment of the constitution by consent of the States, necessary, because the objects now recommended, are not among those enumerated in the constitution, and to which it permits the public money to be applied."

So it seems that Mr Jefferson did not believe that Congress for the purposes of education (the encouragement of which seems to be contemplated by that instrument) could appropriate a surplus. Yet it is now considered that Congress can constitutionally distribute the contents of an embarrassed treasury among the several States of this Union. The proposition seems too absurd to be for a moment sustained by the good sense of the American people.

In a word, your committee can view the proposition in no other light, than the protective tariff system in disguise.

That the revenue of the nation is to be squandered from year to year among the States, creating thereby a pretext for the imposition of higher duties on imposts.

Much might be said in relation to the oppressive operation of the distribution system, on the products and commerce of the south; but your committee will not pursue the subject further, but submit the following resolutions, and recommend their passage.

Be it further Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened. That in the cession by the States to the United States government of their lands, they thereby parted with all title and claim to the same, and said lands thereupon became and is of right the exclusive property of the United States government.

Be it resolved by the authority aforesaid, that the monies arising from the sale of said lands, is a portion of the ordinary revenue of the U. States government, and has so been considered from the formation of the government.

Be it further resolved, that the late act of Congress, having for its object the distribution of the proceeds of the sale of the public lands among the several States, so far as that object is concerned, is a flagrant violation of the constitution of the United States, destructive to the independence of the States, and well calculated in its operations to prove highly oppressive to the people.

Be it resolved by the authority aforesaid, that his Excellency the Governor, be requested to transmit a copy of this report and resolutions to each of the Governors of our sister States; of Delaware, Massachusetts and Pennsylvania, and also the Executives of each of the other States of this Union, with a request that they may be laid before their respective Legislatures.

On motion of Mr Hudson the further consideration of the report was postponed until Friday next, 11 o'clock, and made special order at that time.

Mr Reese, from the select committee to whom was referred a bill to be entitled an act, to change the time for holding the county court of Tallapoosa county, reported the same back to the Senate without amendment, and recommended its passage.

The bill was placed among the orders of the day.

Mr Hall introduced a bill to be entitled an act to compensate W. H. Thomas & Co., for extra work done on the Penitentiary building, which was read a first time.

Mr Hall moved to suspend the constitutional rule for the purpose of giving the bill a second reading forthwith, which was lost.

The question then recurred on ordering the bill to a second reading, which was carried.

Mr Phillips offered the following resolution:

RESOLVED; that with the concurrence of the House of Representatives, the two Houses of the General Assembly will adjourn sine die, on Saturday the 25th of December, instant.

Mr Dent moved to lay the resolutions on the table, which was lost. Yeas 9, Nays 19.

Those who voted in the affirmative are Messrs President, Baylor, Brindley, Clark, Dent, Foster, McClanahan, McConnell and Watrous.

Those who voted in the negative are Messrs Andress, Buford, Creagh,

Dailey, Hall, Hudson, Hunter, King, Lea, McAllister, Oliver, Phillips. Reese, Ross, Rodgers, Toulmin, Turner, Wilson of J. and Womack.

Mr McClanahan moved to postpone the further consideration of the resolution until the 24th instant, which was lost. Yeas 11, Nays 17.

Those who voted in the affirmative are Messrs President, Baylor, Brindley, Clark, Dent, Foster, McClanahan, McConnell, Reese, Rodgers and Watrous.

Those who voted in the negative are Messrs Address, Buford, Creagh, Dailey, Hall, Hudson, Hunter, King, Lea, McAllister, Oliver, Phillips, Ross, Toulmin, Turner, Wilson of J. and Womack.

Mr Dent moved to strike out 25th instant, and insert 13th.

Mr Hudson called for a division of the question, which was first taken on striking out, and lost.

The question then recurred on the adoption of the resolution, which was carried. Yeas 19, Nays 8.

Those who voted in the affirmative are Messrs Address, Brindley, Buford, Creagh, Hall, Hudson, Hunter, King, Lea, McAllister, McConnell, Oliver, Phillips, Ross, Rodgers, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are messrs President, Baylor, Clarke, Dent, Dailey, Foster, McClanahan, Rodgers and Watrous.

Mr Toulmin, from the committee on the State bank, to whom was referred a resolution from the House of Representatives, instructing the joint examining committee to report the names of unknown debtors, &c., of the State bank and its branches, to the Legislature, reported it back to the Senate, and asked to be discharged from its further consideration, which was concurred in.

Mr Watrous introduced a bill to be entitled an act to build a jail in the county of Shelby, and for other purposes, which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading.

Mr Brindley introduced a bill to repeal in part and amend an act therein named, which was read and ordered to a second reading.

Mr Dailey offered the following resolution:

RESOLVED, that the committee on propositions and grievances be instructed to enquire into the propriety of passing a law to compel the payment of interest on borrowed money, though it may be at the rate of more than 8 per cent per annum, when such contract is for a valuable consideration, and bona fide contract.

On motion of Mr Creagh, "propositions and grievances" were stricken out, and "judiciary" inserted.

The question then recurred upon the adoption of the resolution as amended, which was lost.

Mr Lea introduced a bill to be entitled an act in regard to remedies for forcible entry and detainer, which was read and ordered to a second reading.

Mr Hunter introduced a bill to be entitled an act for the relief of Mary Dudley, of the county of Lowndes, which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading.

On motion of Mr Watrous, a bill for the relief of Sarah Squires, was taken from the table.

Mr Watrous then moved its indefinite postponement, which was lost.

The question then recurred on ordering the bill to a third reading, which was carried.

The following message was received from the House of Representatives by Mr Tunstall.

Mr President; the House of Representatives concur in the amendment made by the Senate, to the resolution proposing to go into the election of solicitor for the 8th and 9th judicial circuits.

The hour of 11 o'clock having arrived, the Senate took up the special order, which was the following preamble and resolutions:

Whereas, the good people of this State experience serious inconvenience in procuring the proper kind of money, with which to enter their ——— on the public lands, on account of the unexampled scarcity of gold and silver, and whereas, at the first session of the twenty-seventh Congress, an act was passed to distribute the nett proceeds of the sales of the public lands among the States of the Union in proportion to their respective federal representation, as ascertained by the last census;

Therefore, be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to have a law passed, authorizing and requiring the receivers of public moneys, at the different land offices in this State, to receive in payment of the public lands, the bills of the bank of the State of Alabama and its several branches, to an amount that will be equivalent to the distributive share of the proceeds of the sales of the public lands, to which the State of Alabama may be entitled, according to the provisions of an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights, approved September 4th, 1841.

2nd. And be it further resolved, that the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

The question being on the adoption of the resolutions aforesaid, the vote was taken thereon, and lost. Yeas 11, Nays 15.

Those who voted in the affirmative are messrs Address, Buford, Dent, Foster, Hunter, King, Lea, Oliver, Phillips, Ross and Womack.

Those who voted in the negative are messrs President, Baylor, Brindley, Clarke, Creagh, Dailey, Hall, Hudson, McAllister, McClanahan, McConnell, Rodgers, Toulmin, Turner and Wilson of J.

Mr President laid before the Senate a communication from the branch bank at Mobile, which was read, and on motion of mr Hudson, referred to the joint committee raised for the purpose of investigating frauds, alleged to have been practised upon the State bank and branches.

The Senate then proceeded to the consideration of the orders of the day. Engrossed bills of the following titles, to wit:

An act for the relief of Ellison Warren, tax collector of Barbour county.

An act authorizing the commissioners' court of Talladega county to lay a tax for certain purposes, were each read a third time and passed.

Ordered that the titles be as aforesaid.

Engrossed bill to accept the two per cent. fund, was read a third time and passed. Yeas 20, Nays 6.

Those who voted in the affirmative are messrs President, Address, Buford,

Clarke, Creagh, Dailey, Dent, Foster, Hall, Hunter, King, Lea, McConnell, Oliver, Phillips, Reese, Ross, Toulmin, Wilson of J. and Womack.

Those who voted in the negative are messrs Brindley, Hudson, McAllister, McClanahan, Rodgers and Turner.

Ordered that the title be as aforesaid.

Bills from the House of Representatives of the following titles, to wit:

An act to change the mode of appointing apportioners within the county of Walker.

An act authorizing an additional surveyor for Sumter county

An act to change the name of Alfred B. Palmore.

An act to require the county officers of Marshall county, to receive certain claims therein named, and joint resolutions in regard to certain records, were severally read a third time and passed.

Ordered that the titles be as aforesaid.

On invitation by Mr Tunstall, the Senate proceeded to the Hall of the House for the purpose of electing a Solicitor for the 8th, and a Solicitor for the 9th judicial circuits, and also five individuals, to constitute the medical board at Livingston, Sumter county, Alabama.

Mr President then arose and announced the object of the meeting of the two Houses.

The two Houses first proceeded to the election of a Solicitor for the 8th judicial circuit. Messrs SAMPSON W. HARRIS, THOS. MAGEE, W. W. MORRIS and — STEINER, being in nomination.

Those who voted for Mr Harris, are of the Senate, messrs Clarke, Dailey, Hall, Lea, Phillips, Rodgers and Womack; and messrs Allen, Barker, Clemens, Covington, Crenshaw, Crawford, Davenport, Ford, Griffin of J., Hogan, Hunter, Jones of M., Jemison, Justice, Kennedy, Marchbanks, R. McAlpin, Musgrove, Randolph, Rice, Rhodes, Rushing, Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Yancy—37.

Those who voted Mr Magee are, messrs President, Baylor, Brindley, Buford, Creagh, Hudson, Hunter, King, Oliver, Ross, Thornton, Toulmin and Womack of the Senate; and Barron, Bradley, Chiles, Cochran, Erwin, Hutchinson, James, Jefferson, Mitchell, Mundy and Ware of the House—24.

Those who voted for Mr Morris are, messrs McClanahan, McConnell, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Land, Alexander of Lowndes, Armbrister, Bishop, Cain, Davis of L., Fletcher, Garland, Griffin of M., Hammond, Jones of Cov., King, B. McAlpin, S. McAlpin, McLeod, McMillen, of B., McMillion of J., Morgan, Reynolds, Smith of J., Steele, Taylor, Walker of Benton, Wynn and Young of the House—30.

Those who voted for Mr Stienner are, messrs Address, Dent, Foster, McAllister and Reese of the Senate; and messrs Dav's of B., Gresham, Griffin of S. Harris, Haughton, Heflin, Henry, Henslee, Houston, Jones of Cov., Mason, Norman, Norwood, Norris, Perkins, Phillips, Rodgers, Scott, Smith of H., Smith of L. Smith of T., and Stinson, of the House—31.

Neither having received a majority of the whole number of votes given, the Senate proceeded to vote a second time.

Those who voted for Mr Harris are, messrs Address, Clarke, Dailey, Hall, Lea, Phillips, Rodgers and Watrous of the Senate; and messrs Allen, Barker, Clemens, Covington, Crenshaw, Crawford, Davenport, Griffin of J., Hogan, Hunter, Jones of M., Jemison, Justice, Marchbanks, R. C. McAlpin, Ran-

dolph, Rice, Rhodes, Rushing, Smith of T., Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Yancey of the House—37.

Those who voted for Mr Magee are, messrs President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Hunter, King, Oliver, Ross, Thornton, Toulmin and Womack of the Senate; and messrs Bradley, Chiles, Cochran, Erwin, Hutchinson, James, Jefferson, Mitchell, Mundy and Ware of the House—24.

Those who voted for Mr Morris are, messrs McClanahan, McConnell, Turner, Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Lowndes, Armbrister, Bishop, Cain, Davis of L., Fletcher, Garland, Griffin of M., Hammond, Jones of Cov., King, B. Mc Alpin, S. Mc. Alpin, McLeod, McMillion of B., Million of J., Morgan, Norman, Reynolds, Smith of J., Steele, Taylor, Walker of B., Wynn and Young of the House—31.

Those who voted for Mr Steiner are, messrs Foster, McAllister and Reese of the Senate; and messrs Barron, Davis of B., Ford, Gresham, Griffin of S., Harris, Haughton, Henry, Henslee, Houston, Kennedy, Jones of Con., Mason, McAllister, McLemore, Moore, Moors, Norris, Norwood, Perkins, Phillips, Rodgers, Scott, Smith of H., Smith of L., and Stinson—30.

Neither having received a majority of the whole number given, the two Houses proceeded to ballot a third time.

Those who voted for Mr Harris are, messrs Andress, Clarke, Daily, Hall, King, Lea, Phillips, Rodgers and Watrous of the Senate; and messrs Allen, Barker, Clemens, Covington, Crenshaw, Crawford, Davenport, Griffin of J., Hunter, Jones of M., Jemison, Justice, Kennedy, Marchbanks, R. C. McAlpin, Moore, Musgrove, Randolph, Rice, Rhodes, Rushing, Smith of J., Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Yancy—39.

Those who voted for Mr Magee are, messrs President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Hunter, Oliver, Ross, Thornton, Toulmin and Womack of the Senate; and messrs Alexander of Lowndes, Bradley, Chiles, Cochran, Davis of B., Erwin, Hogan, Hutchinson, James, Jefferson, Mitchell, Mundy and Ware of the House—26.

Those who voted for Mr Morris are, messrs McClanahan, McConnell, Turner and Wilson of J., and messrs Speaker, Alexander of Laud. Armbrister, Bishop, Cain, Davis of L., Fletcher, Garland, Griffin of M., Hammond, Jones of Cov., King, B. McAlpin, S. McAlpin, McLeod, McMillion of B., McMillion of J., Morgan, Norman, Reynolds, Smith of J., Steele, Taylor, Walker of B., Wynn and Young—30.

Those who voted for Mr Steiner are, messrs Foster, McAllister and Reese of the Senate; and messrs Barron, Ford, Gresham, Griffin of S., Harris, Haughton, Heflin, Henry, Houston, Jones of Cov., Mason, McAllister, McLemore, Moors, Norris, Norwood, Perkins, Rodgers, Scott, Smith of H., Smith of L., and Stinson.

Neither having received a majority, the two Houses proceeded to ballot a fourth time.

Those who voted for Mr Harris are, messrs Andress, Clarke, Dailey, Hall, King, Lea, Phillips, Rodgers and Watrous of the Senate; and messrs Allen, Barker, Clemens, Cochran, Covington, Crenshaw, Crawford, Davenport, Griffin of J., Haughton, Houston, Hunter, Jones of M., Jemison, Justice, Marchbanks, R. C. McAlpin, Moore, Musgrove, Perkins, Randolph, Rice, Rhodes, Rushing, Smith of T., Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Young of the House—41.

Those who voted for mr Magee are, messrs President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Hunter, Oliver, Ross, Toulmin, Thornton and Womack of the Senate; and messrs Alexander of Lowndes, Bradley, Chiles, Davis of B., Erwin, Garland, Harris, Hogan, Hutchinson, James, Jefferson, Mitchell, Mundy and Ware—27.

Those who voted for mr Morris are, messrs Foster, McClanahan, McConnell, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Armbrister, Bishop, Cain, Davis of L., Fletcher, Griffin of M., Griffin of S., Hammond, Jones of Con., Jones of Cov., King, B. McAlpin, S. McAlpin, McLeod, McMillion of B., McMillion of J., Morgan, Norman, Reynolds, Smith of J., Steele, Taylor, Walker of B., Wynn and Young—31.

Those who voted for mr Steiner are, messrs AcAllister and Reese of the Senate; and messrs Barron, Ford, Gresham, Griffin of S., Heflin, Henry, Henslee, Kennedy, Mason, McAllister, McLemore, Moors, Norris, Norwood, Phillips, Rodgers, Scott, Smith of H., Smith of L., and Stinson of the House. 22.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to ballot the fifth time, the name of mr Stenier, having been withdrawn.

Those who voted for mr Harris are, messrs Andress, Clarke, Dailey, Hall, King, Lea, McAllister, Phillips, Rodgers, and Watrous of the Senate; and messrs Allen, Barker, Clemens, Covington, Crenshaw, Crawford, Davenport, Ford, Gresham, Griffin of J., Griffin of S., Haughton, Henry, Henslee, Houston, Hunter, Jones of M., Jemison, Justice, Kennedy, Marchbanks, McAllister, R. C. McAlpin, Moore, Moors, Musgrove, Norwood, Perkins, Randolph, Rice, Rhodes, Rushing, Scott, Smith of H., Smith of T., Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Yancy of the House. 53.

Those who voted for mr Magee are, messrs President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Hunter, Oliver, Reese, Ross, Thornton, Toulmin and Womack of the Senate; and messrs Alexander of Lowndes, Barron, Bradley, Chiles, Cochran, Davis of B., Erwin, Harris, Hogan, Hutchinson, James, Jefferson, Mason, McLemore, Mitchell, Mundy, Smith of L., and Ware of the House—32.

Those who voted for mr Morris are, messrs Foster, McClanahan, McConnell, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Armbrister, Bishop, Cain, Davis of L., Fletcher, Garland, Griffin of M., Hammond, Heflin, Jones of Con., Jones of Cov., King, B. McAlpin, McLeod, McMillion of B., McMillion of J., Morgan, Norman, Norris, Phillips, Reynolds, Rodgers, Smith of J., Steele, Stinson, Taylor, Walker of B., Wynn and Young of the House—39.

Neither having received a majority, the two houses proceeded to ballot the sixth time.

Those who voted for mr Harris are, messrs Andress, Clarke, Daily, Hall, King, Lea, McAllister, Phillips, Rodgers and Watrous of the Senate; and messrs Allen, Barker, Clemens, Covington, Crenshaw, Crawford, Davenport, Ford, Gresham, Griffin of J., Griffin of S., Haughton, Henry, Henslee, Houston, Hunter, Jones of M., Jemison, Justice, Kennedy, Marchbanks, McAllister, R. C. McAlpin, Moore, Musgrove, Norwood, Perkins, Randolph, Rice, Rhodes,

Rodgers, Rushing, Smith of H., Smith of T., Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Yancey of the House—52.

Those who voted for mr Magee are, messrs President, Baylor, Brindley, Buford, Creagh, Dent, Hudson, Oliver, Reese, Ross, Thornton, Toulmin and Womack of the Senate; and messrs Barron, Bradley, Chiles, Cochran, Davis of B., Erwin, Harris, Hogan, Hutchinson, James, Jefferson, Mason, McLe-more, Mitchell, Moors, Mundy, Scott, Smith of L., and Ware of the House—32.

Those who voted for mr Morris are, messrs Foster, Hunter, McClanahan, McConnell, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Land., Alexander of Lowndes, Armsbrister, Bishop, Cain, Davis of L., Fletcher, Garland, Griffin of m., Hammond, Heflin, Jones of Con., Jones of Cov., King, B. McAlpin, S. McAlpin, McLeod, McMillion of J., McMillion of B., Morgan, Norwood, Norris, Phillips, Reynolds, Smith of J., Steele, Stinson, Taylor, Walker of B., Wynn and Young of the House—38.

Neither having received a majority, the two Houses proceeded to ballot, again.

Those who voted for mr Harris are, messrs Andress, Clarke, Dailey, Hall, Hudson, King, Lea, McAllister, Phillips, Rodgers and Watrous of the Senate; and messrs Allen, Barker, Clemens, Cochran, Covington, Crawford, Davenport, Erwin, Ford, Gresham, Griffin of J., Griffin of S., Harris, Haughton, Henry, Henslee, Houston, Hunter, Hutchinson, Jones of m., Jemison, Justice, Kennedy, Marchbanks, Mason, McAllister, R. C. McAlpin, Moore, Musgrove, Norwood, Perkins, Randolph, Rice, Rhodes, Rodgers, Rushing, Scott, Smith of H., Smith of L., Smith of T., Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Yancey of the House—60.

Those who voted for mr Magee are, messrs President, Baylor, Brindley, Buford, Creagh, Dent, Oliver, Ross, Thornton, Toulmin and Womack, of the Senate; and messrs Barron, Bradley, Chiles, Hogan, James, Jefferson, Mc-Lemore, Mitchell, Mundy and Ware of the House—21.

Those who voted for mr Morris are, messrs Foster, Hunter, McClanahan, McConnell, Reese, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Land., Alexander of Lowndes, Armsbrister, Bishop, Cain, Davis of B., Davis of L., Garland, Griffin of m., Hammond, Heflin, Jones of Con., Jones of Cov., B. McAlpin, S. McAlpin, McLeod, McMillion of B., Mc-Million of J., Moors, Morgan, Norman, Phillips, Reynolds, Smith of J., Steele, Stinson, Taylor, Walker of B., Wynn and Young—39.

Neither having received a majority, the two Houses proceeded to ballot the eighth time. The name of mr Magee having been withdrawn.

Those who voted for mr Harris are, messrs Andress, Brindley, Buford, Clarke, Creagh, Dailey, Dent, Hall, Hudson, King, Lea, McAllister, Oliver, Phillips, Rodgers, Thornton, Watrous and Womack, of the Senate; and messrs Allen, Barker, Chiles, Clemens, Cochran, Covington, Crenshaw, Crawford, Davenport, Erwin, Ford, Gresham, Griffin of m., Griffin of L., Harris, Haughton, Henry, Henslee, Houston, Hunter, Hutchinson, James, Jones of m., Jemison, Justice, Kennedy, Marchbanks, Mason, McAllister, R. C. McAlpin, Moore, Mundy, Musgrove, Norwood, Randolph, Rice, Rhodes, Rodgers, Rushing, Scott, Smith of H., Smith of L., Smith of T., Storrs, Strode, Troup, Valliant, Walker of L., Wallace, Winston and Yancey, of the House—70.

Those who voted for mr Morris are, messrs President, Baylor, Foster, Hun-

ter, McClanahan, McConnell, Reese, Ross, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Loud., Alexander of Low., Armbrister, Barron, Bishop, Cain, Davis of B., Fletcher, Garland, Griffin of M., Hammond, Heflin, Hogan, Jones of Con., Jones of Cov., Jefferson, King, B. McAlpin, S. McAlpin, McLemore, McLeod, McMillion of B., McMillion of J., Mitchell, Moors, Morgan, Norman, Norris, Phillips, Reynolds, Smith of J., Steele, Stinson, Walker of B., Taylor, Wynn and Young—51.

Mr Ware voting for Mr Magee—1.

Mr Harris having received a majority of the whole number of votes given, Mr Speaker declared him duly elected solicitor of the eighth judicial circuit, for the term prescribed by law.

The two House next proceeded to the election of a solicitor for the 9th judicial circuit. Messrs S. B. COOPER, T. G. GARRETT and W. D. WINSTON, being nomination.

Those who voted for Mr Cooper were of the Senate, Messrs Address, Buford, Dent, Foster, Hunter, Lea, Oliver, Phillips, Reese, Thornton, Watrous; and Messrs Barron, Bradley, Covington, Crenshaw, Davis of B., Erwin, Ford, Gresham, Griffin of L., Henry, Hutchinson, Jones of Cov., Jemison, Justice, S. McAlpin, McLemore, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Storrs, Stinson, Wallace, Ware and Young, of the House—41.

Those who voted for Mr Garrett are, messrs Baylor, Clarke, Creagh, Hudson, McConnell, Ross, Rodgers and Womack, of the Senate; and messrs Alexander of Lowndes, Allen, Barker, Bishop, Cain, Clemens, Cochran, Crawford, Davenport, Harris, Hunter, Jones of Cov., Jones of M., Kennedy, R. C. McAlpin, McLeod, Smith of H., Smith of L., Steele, Troup, Valliant and Walker of B., of the House—30.

Those who voted for Mr Winston are, messrs President, Dailey, Hall, King, McAllister, McClanahan, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Armbrister, Chiles, Davis L., Fletcher, Garland, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Henslee, Hogan, Houston, James, Jefferson, King, Marchbanks, Mason, McAllister, B. McAlpin, McMillion of B., McMillion of J., Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J., Strode, Taylor, Walker of L., Wynn and Yancey—48.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to ballot again.

Those who voted for Mr Cooper are, messrs Address, Buford, Dent, Foster, Lea, Oliver, Phillips, Thornton and Watrous of the Senate, and messrs Barron, Bradley, Covington, Crenshaw, Davis of B., Erwin, Ford, Griffin of S., Harris, Henry, Hutchinson, Jones of Con., Jemison, Justice, McLemore, Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of T., Wallace and Ware, of the House—35.

Those who voted for Mr Garrett are, messrs Baylor, Clarke, Creagh, Hudson, Hunter, McConnell, Ross and Womack, of the Senate; and messrs Alexander of Lowndes, Barker, Bishop, Cain, Clemens, Cochran, Crawford, Davenport, Garland, Gresham, Hunter, Jones of Cov., Jones of M., Kennedy, R. C. McAlpin, S. McAlpin, McLeod, Smith of H., Smith of L., Steele, Storrs, Stinson, Troup, Valliant, Walker of B. and Young, of the House—35.

Those who voted for Mr Winston are, messrs President, Dailey, Hall, King,

McAllister, McClanahan, Reese, Rodgers, Toulmin, Turner and Wilson of the Senate; and messrs Speaker, Alexander of Laud., Armbrister, Chiles, Davis of L., Fletcher, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Henslee, Hogan, Houston, James, Jefferson, King, Marchbanks, Mason, McAllister, B. McAlpin, McMillion of B., McMillion of J., Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J., Strode, Taylor, Walker of Lawrence, Wynn and Yancey of the House—50.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to vote again.

Those who voted for Mr Cooper are, messrs Andress, Buford, Foster, Oliver, Phillips, Thornton and Watrous, of the Senate; and messrs Barron, Bradley, Covington, Davis of B., Erwin, Ford, Griffin of S., Harris, Henry, Hutchinson, Jones of Con., Justice, McLemore, Mitchell, Moors, Norris, Norwood, Rhodes, Smith of T. and Ware of the House—21.

Those who voted for Mr Garrett are, messrs Baylor, Clarke, Creagh, Dent, Hudson, Hunter, Lea, McConnell, Ross and Womack, of the Senate; and messrs Alexander of Lowndes, Allen, Barker, Bishop, Cain, Clemens, Cochran, Crenshaw, Crawford, Davenport, Gresham, Hunter, Jones of Cov., Jones of M., Jemison, Kennedy, R. C. McAlpin, S. McAlpin, McLeod, Mundy, Perkins, Scott, Smith of H., Smith of L., Steele, Storrs, Stinson, Troup, Valliant, Walker of B., Wallace and Young, of the House—42.

Those who voted for Mr Winston are, messrs President, Dailey, Hall, King, McAllister, McClanahan, Reese, Rodgers, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of L., Armbrister, Chiles, Davis of L., Fletcher, Garland, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Henslee, Hogan, Houston, James, Jefferson, King, Marchbanks, Mason, McAllister, B. McAlpin, McMillion of B., McMillion of J., Moore, Morgan, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J., Strode, Taylor, Walker of L., Wynn and Yancey, of the House of Representatives—51.

Neither having received a majority of the whole number of votes given, the two Houses proceeded to ballot a fourth time. The name of Mr Cooper having been withdrawn.

Those who voted for Mr Garrett are, messrs Andress, Baylor, Buford, Clarke, Creagh, Dent, Hudson, Hunter, King, Lea, McConnell, Phillips, Ross and Womack, of the Senate; and messrs Alexander of Lowndes, Allen, Barker, Bishop, Bradley, Cain, Clemens, Cochran, Crenshaw, Crawford, Davenport, Ford, Gresham, Griffin of S., Harris, Hunter, Hutchinson, Jones of Con., Jones of Cov., Jones of M., Jemison, Justice, Kennedy, R. C. McAlpin, S. McAlpin, McLemore, McLeod, Moors, Mundy, Norris, Norwood, Perkins, Rhodes, Scott, Smith of H., Smith of L., Smith of T., Steele, Storrs, Stinson, Troup, Valliant, Walker of B., Wallace, Ware and Young—59.

Those who voted for Mr Winston are, messrs President, Dailey, Foster, McAllister, McClanahan, Rodgers, Toulmin, Turner, Watrous and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Armbrister, Chiles, Covington, Davis of B., Davis of L., Erwin, Fletcher, Garland, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Harris, Henslee, Hogan, Houston, James, Jefferson, King, Marchbanks, Mason, McAllister, B. McAlpin, McMillion of B., McMillion of J., Mitchell, Moore, Morgan, Musgrove,

Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of J., Strode, Taylor, Walker of Law., Wynn and Yancey, of the House—55.

Messrs Thornton and Oliver of the Senate, and Mr Barron of the House, voted for Mr Cooper.

Mr Garrett having received a majority of the whole number of votes given, Mr Speaker declared him duly and constitutionally elected solicitor of the ninth judicial circuit, for the term prescribed by law.

The two Houses next proceeded to the election of five individuals to constitute a medical board for Livingston, Sumter county, Alabama.

Messrs ARRINGTON, HAUGHTON, POSEY, SCHERLOCK and WHITING, being in nomination.

Those who voted for Mr Arrington are, messrs President, Baylor, Creagh, Dailey, Dent, Hudson, Hunter, King, Lea, McClanahan, McConnell, Phillips, Ross, Toulmin, Turner and Womack, of the Senate; and messrs Speaker, Alexander of Lowndes, Allen, Armbrister, Barker, Bradley, Chiles, Covington, Crenshaw, Davis of B., Davis of L., Erwin, Fletcher, Ford, Garland, Gresham, Griffin of M., Hammond, Harris, Haughton, Heflin, Hogan, Houston, Hunter, James, Jones of Cov., Jones of M., Jefferson, Jemison, Justice, Kennedy, King, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, Reynolds, Rice, Rodgers, Rushing, Scott, Smith of H., Smith of J., Steele, Storrs, Strode, Stinson, Taylor, Ware, Winston, Wynn, Yancey and Young, of the House of Representatives—81.

Those who voted for Mr Haughton are, messrs President, Address, Baylor, Buford, Creagh, Dailey, Dent, Hall, Hudson, Hunter, King, Lea, McClanahan, McConnell, Phillips, Ross, Toulmin, Turner and Womack, of the Senate; and messrs Speaker, Alexander of Land., Armbrister, Barker, Barron, Bradley, Chiles, Clemens, Covington, Crenshaw, Davis of B., Davis of L., Erwin, Fletcher, Ford, Garland, Bishop, Griffin of M., Hammond, Harris, Haughton, Heflin, Hogan, Houston, Henslee, James, Jones of Con., Jones of M., Jefferson, Jemison, Justice, Kennedy, King, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, Mitchell, Moore, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Smith of H., Smith of J., Steele, Storrs, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Ware, Winston, Wynn, Young and Yancey, of the House—83.

Those who voted for Mr Posey are of the Senate, messrs President, Address, Baylor, Buford, Creagh, Dailey, Dent, Hudson, Hunter, King, Lea, McAllister, McClanahan, McConnell, Phillips, Ross, Toulmin, Turner and Womack; and messrs Speaker, Alexander of L., Allen, Armbrister, Barker, Bradley, Chiles, Clemens, Covington, Crenshaw, Davis of B., Erwin, Fletcher, Ford, Garland, Gresham, Griffin of M., Hammond, Harris, Haughton, Heflin, Henry, Hogan, Houston, Hunter, Hutchinson, James, Jones of Cov., Jones of M., Jefferson, Jemison, Justice, Kennedy, King, Mason, B. McAlpin, R. McAlpin, S. McAlpin, Mitchell, Moore, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Scott, Smith of H., Smith of J., Steele, Storrs, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Ware, Winston, Wynn, Yancy and Young, of the House.—83.

Those who voted for Mr Scherlock are of the Senate, messrs President, Baylor, Buford, Creagh, Dailey, Dent, Hall, Hudson, Hunter, King, Lea, McClanahan, McConnell, Phillips, Ross, Toulmin, Turner and Womack; messrs Speaker, Alexander of Lowndes, Allen, Armbrister, Barker, Barron, Chiles,

Covington, Gresham, Davis of B., Erwin, Fletcher, Ford, Griffin, Hammond, Harris, Haughton, Heflin, Hogan, Houston, Hunter, Hutchinson, James, Jones of Cov., Jones of M., Jefferson, Jemison, Justice, Kennedy, King, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, Mitchell, Moore, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Scott, Smith of H., Smith of J., Steele, Storrs, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Ware, Winston, Wynn, Yancy and Young, of the House—80.

Those who voted for Mr Whiting were of the Senate, Messrs President, Andress, Baylor, Buford, Creagh, Dailey, Dent, Hudson, Hunter, King, Lea, McClanahan, McConnell, Phillips, Ross, Toulmin, Turner and Womack; and Messrs Speaker, Alexander of Lowndes, Allen, Annbrister, Barker, Bradley, Covington, Crenshaw, Davis of B., Erwin, Fletcher, Ford, Garland, Gresham, Griffin of M., Hammond, Harris, Haughton, Heflin, Hogan, Houston, Hunter, James, Jones of Cov., Jones of M., Jefferson, Jemison, Justice, Kennedy, King, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, Mitchell, Moore, Musgrove, Norman, Phillips, Randolph, Reynolds, Rice, Rodgers, Rushing, Scott, Smith of H., Smith of J., Steele, Storrs, Strode, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Ware, Winston, Wynn, Yancy and Young, of the House.—79.

Messrs Arrington, Haughton, Posey, Scherlock and Whiting, having received a majority of the whole number of votes given, Mr Speaker declared them duly elected a Medical Board of Livingston for the term prescribed by law.

The Senate then withdrew to their chamber; Mr President resumed the chair and called the House to order.

On motion of Mr. McConnell the Senate then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, Dec. 8, 1841.

The Senate met pursuant to adjournment.

Mr Toulmin presented the petition of a committee on behalf of a Rifle Company of Mobile, the reading of which was dispensed with, and on motion referred to the committee on military affairs.

Mr Toulmin, from the committee on the State bank, to whom was referred a resolution instructing them to inquire into the expediency of limiting by law, the amount of notes and bills hereafter discounted, and also limiting individual liability to the State bank and its several branches; and also to inquire into the expediency of laying off the State into banking districts, and confining each bank to its respective district, reported that it was inexpedient to legislate on the subject, in which the Senate concurred.

Mr Toulmin, from the same committee, to whom was referred a resolution, instructing them to inquire into the expediency of passing a law, prohibiting the President and directors of the bank of the State of Alabama, or any of its branches, from charging exchange upon bills purchased, when payable in New Orleans, or any of the northern cities, with leave to report by bill or otherwise, reported the same back to the Senate as inexpedient.

On motion of Mr Hudson, the report was ordered to lie upon the table.

Mr McVay introduced a bill to be entitled an act to appropriate a certain sum for the repairs of the Tennessee canal, which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and on

motion of Mr McVay, referred to the committee on internal improvements and inland navigation.

Mr McVay presented the account of the Sheriff of Lauderdale county, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

On motion of Mr Dent, **RESOLVED**, that the Secretary, or assistant Secretary of the Senate may, either of them, employ the services of a clerk from day to day, to enroll bills, and perform such other duties as may be required whenever they shall deem the same to be necessary, and conducive to the public interest.

On motion of Mr McConnell, the vote taken on yesterday, on concurring in the report of the select committee, to whom had been referred a bill to be entitled an act, allowing compensation to certain persons therein named, for provisions furnished the troops, while engaged in the Creek service, was reconsidered.

On motion of Mr Hudson the report and bill were ordered to lie upon the table.

Mr Thornton, from the judiciary committee, to whom was referred a bill to be entitled an act, to enable the joint examining committee, more effectually to investigate bank frauds, reported that inasmuch as the bill was entirely temporary in its provisions, and needful to the dispatch of the business now in progress before the committee, they recommended its passage.

The bill was placed among the orders of the day.

On motion of Mr Hudson, the Senate then proceeded to the consideration of the orders of the day.

A bill from the House of Representatives to amend the laws of this State, relative to the collection of claims against steam boats and other water crafts, navigating the waters of the Alabama was read a third time and passed. Yeas 21, Nays 5.

Those who voted in the affirmative are Messrs President, Andress, Brindly, Buford, Clarke, Creagh, Dailey, Hudson, Lea, McAllister, McConnell, McVay, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are Messrs Dent, Foster, Hunter, King and Watrous.

Ordered that the title be as aforesaid.

Bills from the House of Representatives of the following titles, to wit:

An act to incorporate the Medical society of the city of Mobile, and for other purposes.

An act for the benefit of the estate of John S. Gray, deceased.

An act to incorporate the Burnt Corn Male Academy, in the county of Conecuh, and

Joint resolutions for the sale of the decisions of the Supreme Court of Alabama, were severally read a third time and passed.

Ordered that the titles remain as aforesaid.

A bill to be entitled an act to reduce and define the fees of certain officers therein named, was read a second time, and on motion of Mr Wilson of J. ordered to be laid upon the table.

A bill to be entitled an act to compensate John M. Cooper, a contractor for work done on the Tombecbee river, and for other purposes, was read a

second time, and on motion of Mr Creagh, the further consideration thereof was postponed until Monday next, and made the special order for 11 o'clock on that day.

A bill to amend the several acts in relation to the trial of property, was read a second time, and on motion of Mr McConnell, referred to the judiciary committee.

A bill to secure unknown, bad and doubtful debts, owing to the bank of the State of Alabama and branches, was read a second time, and on motion of Mr McClanahan, referred to the committee on the State bank.

A bill to enforce liabilities of Sheriff's, in respect of defaults and misfeasance in office, was read a second time, and on motion of Mr Buford, referred to the committee on the judiciary.

A bill in relation to causeways in the county of Wilcox, was read a second time, and on motion of Mr Ross, referred to the committee on roads, bridges and ferries.

A bill to amend an act passed 7th January 1841, entitled an act for the promotion of the health and convenience of the city of Mobile, by the introduction into said city a supply of wholesome water, to be used for domestic purposes and the extinguishment of fires, was read a second time, and on motion of Mr Toulmin, referred to the committee on propositions and grievances.

A bill to incorporate the first regiment of volunteer militia in the county of Mobile, was read a second time, and on motion of Mr Toulmin, referred to the committee on military affairs.

A resolution from the House of Representatives, in relation to unknown debtors to the State bank and branches, was read and adopted.

A bill from the House of Representatives to change the time of holding the county court of Tallapoosa county, was read a second time, and on motion of Mr Dailey, ordered to lie upon the table.

Engrossed bills of the following titles, to wit:

An act for the relief of the representatives of David H. Burke, deceased, late of Mobile county.

An act to appoint commissioners to build a jail in the county of Shelby, and for other purposes; and

An act for the relief Mary Dudley, of the county of Lowndes, were severally read a third time and passed.

Ordered that the titles be as aforesaid.

Engrossed bill to prevent frauds in elections, was read a third time.

Mr Watrous moved to lay it on the table which was lost.—Yeas 12—Nays 16.

Those who voted in the affirmative are Messrs Andress, Buford, Dent, Hunter, King, McClanahan, McVay, Oliver, Ross, Phillips, Watrous and Womack.

Those who voted in the negative are Messrs President, Baylor, Brindley, Clarke, Creagh, Dailey, Foster, Hudson, McAllister, McClanahan, Reese, Rodgers, Toulmin, Turner and Wilson of J.

The question then recurred on the passage of the bill, which was carried. Yeas 15, Nays 14.

Those who voted in the affirmative are Messrs President, Baylor, Brind-

ley, Clarke, Creagh, Foster, Hudson, Lea, McAllister, McConnell, Reese, Rodgers, Thornton, Toulmin and Turner.

Those who voted in the negative are Messrs Address, Buford, Dailey, Dent, Hunter, King, McClanahan, McVay, Oliver, Phillips, Ross, Watrous, Wilson of J. and Womack.

Ordered that the title be as aforesaid.

A bill from the House of Representatives for the relief of Sarah Squires, was read a third time and passed.

Ordered that the title be as aforesaid.

A bill for the benefit of Sally Partain, was read a second time, and on motion of Mr Wilson of Jackson, referred to a select committee, whereupon, Messrs Brindley, Wilson of J. and Hunter, were appointed said committee.

Mr Ross, from the committee on enrolled bills, reported that the committee had examined, and found correctly enrolled,

An act to authorize the Comptroller of public accounts to draw his warrant on the State Treasurer, in favor of Sion L. Perry, for the balance of the salary due the late Horatio G. Perry, judge of the second judicial circuit.

Bills of the following titles, to wit:

An act to compensate Wm. H. Thomas & Co., for extra work done on the Penitentiary; and

An act to repeal in part an act therein named, were each read a second time, and ordered to be engrossed for a third reading.

A bill to be entitled an act in regard to remedies for forcible entries and detainer, was read a second time, and on motion of Mr. Lea, referred to the judiciary committee.

A bill to enable the joint examining committee more effectually to investigate bank frauds, was read a second time, and the constitutional rule being dispensed with, it was read a third time and passed.

Ordered that the title remain as aforesaid.

The following message was received from the House of Representatives by Mr Cooke.

Mr President: the House have passed a bill entitled an act to amend an act entitled an act to incorporate the Marion Female Association, approved 9th January, 1841.

They have also passed a bill which originated in the House of Representatives, for the relief of tales jurors in the county of St Clair, and other counties, in which the concurrence of your honorable body is asked.

They also concur in the amendments made by the Senate to a bill entitled an act to extend the time for collecting the county, school and road tax, in the county of Mobile in the year 1841, and for other purposes.

Also the amendment made to the bill to be entitled an act to regulate the proceedings of the circuit of Montgomery county, and for other purposes.

A bill from the House of Representatives for the relief of tales jurors in the county of St Clair, was read a first time, and the constitutional rule being dispensed with, it was read a second time.

On motion of Mr Clarke, the bill was amended by adding "Benton," after Walker.

On motion of Mr Baylor, the bill was further amended by adding "the

State Alabama," after "Representatives," in the first line thereof; the bill, as amended, was ordered to a third reading.

On motion of Mr McConnell, the bill for the payment of provisions furnished while in the service of the United States, and the report of the committee thereon, was taken from the table.

On motion of Mr McConnell, the same was recommitted to the select committee.

Mr Dent introduced a bill to be entitled an act to compensate James G. Blount, which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and referred to the committee on propositions and grievances.

Mr McConnell, from the select committee, to which was referred a bill for the payment of provisions furnished the troops, while in the service of the United States, reported a bill to compensate Robert Nelson, which was read a third time and passed.

Also a bill for the relief of Haley G. Jenkins and David Covington, which was read a second time and ordered to be engrossed for a third reading.—Yeas 17, Nays 7.

Those who voted in the affirmative are Messrs President, Andress, Brindley, Buford, Creagh, Clarke, Dailey, Foster, Hudson, Hunter, King, McAllister, McConnell, Oliver, Rodgers, Thornton and Toulmin.

Those who voted in the negative are Messrs Lea, McClanahan, McVay, Phillips, Ross, Turner and Wilson of J.

Mr Clarke introduced a bill to establish a board of Physicians in the town of Jacksonville, which was read, and ordered to a second reading.

On motion of Mr McConnell the Senate then adjourned until to-morrow morning 10 o'clock.

THURSDAY, Dec. 9th; 1811.

The Senate met pursuant to adjournment.

Mr Ross, from the committee on enrolled bills, reported that the committee had examined, and found correctly enrolled, bills of the following titles:

An act fixing the time of holding justices' courts in the counties of Coosa and Autauga.

An act to compel the county treasurer of Pickens county to reside at, or near the county site.

An act to amend the charter of the Planters and Merchants bank of Mobile.

An act to alter the manner of compensating executors and administrators in certain cases.

An act to establish an additional Regiment of the militia of this State, in the county of Talladega: and

An act requiring the branch bank at Huntsville and Decatur to deposit their proportion of thirty-six thousand dollars in the State bank.

Mr McAllister presented the petition of the commissioners of township 7, range 29, in the county of Henry, the reading of which was dispensed with, and on motion, referred to the committee on education.

Mr Rodgers, from the committee on enrolled bills, reported that the committee had examined, and found correctly enrolled,

An act better securing mechanics in the city and county of Mobile; and

An act to incorporate the Hook and Ladder company No. 1, and fire companies No. 3, 6 and 7, of the city of Mobile.

Mr Baylor, from the committee on education, to which was referred a bill, to incorporate the Magnolia Male and Female Academy, in the county of Marengo, reported an amendment thereto, and recommended its passage.

The amendment was concurred in, and the bill ordered to be engrossed for a third reading.

Mr Baylor, from the committee on education, to which referred the petition of sundry citizens of Blount county, praying that Isaac Blackwood be released from a contract with the citizens of the 12th township in said county.

And also a similar petition from the citizens of the 8th township in the county of Franklin.

Also a petition of the same character from the citizens of township No. 8, in the county of Clarke, reported that it was inexpedient to legislate on the subject, inasmuch as the relief sought for in said petition had been embraced in a general bill.

This committee therefore asked leave to be discharged from the further consideration thereof.

On motion of Mr Hudson the report was ordered to lie upon the table.

Mr Brindley, from the committee on Divorce and Alimony, to whom was referred a bill to divorce Amanda White, from her husband Wm. A. White, reported the same without amendment, and recommend its passage, which went among the orders of the day.

Mr Brindley, from the same committee to which was referred a bill to divorce Joseph Daniel from his wife Huldah Daniel, reported it back without amendment, and advised its passage. Placed also among the orders of the day.

Mr Phillips, from the judiciary committee to whom was referred the presentment of the grand jury of the county of Mobile, on the subject of amending the laws, in relation to the owners, or the occupants of houses kept for gaming, reported a bill in conformity therewith; read and ordered to a third reading.

Mr Thornton, from the same committee to whom was referred a bill from the House of Representatives, to extend the jurisdiction of justices of the peace in certain cases, reported against the passage of the same.

On motion of Mr Foster, the report, with the bill was ordered to lie on the table.

Mr Thornton, from the same committee to whom was referred a joint resolution, proposing an amendment to the constitution of this State, as to the mode of electing judges of the inferior courts, reported an amendment thereto. Report concurred in.—Yeas 25, Nays 1.

Those who voted in the affirmative are Messrs President, Andress, Baylor, Brindley, Buford, Clarke, Creagh, Dailey, Dent, Foster, Hudson, King, Lea, McAllister, McClanahan, M. Vay, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Watrous, Wilson of J. and Womack.

Mr McConnell voted in the negative.

Mr Andress, from the committee of propositions and grievances, to whom was referred a bill to compensate James G. Blount, reported the same back to the Senate, and asked to be discharged from the further consideration thereof.

On motion of Mr. Dent, the report, with the bill, was laid on the table.

Mr Dent asked leave to withdraw the bill and accompanying petition.— which was granted.

Mr Thornton from the judiciary committee, to whom was referred a petition of sundry citizens of Pickens county, in relation to justice's courts, reported it inexpedient to grant the prayer of the petitioners.

On motion of Mr King, the report was laid on the table.

Mr Thornton from the same committee, to whom was referred a bill to amend an act entitled an act relating to absconding slaves, approved January 28, 1839, reported the same back to the Senate, and advised its passage.

Placed among the orders of the day.

Mr Thornton from the same committee, to which had been referred a resolution, instructing them to examine the laws on the subject of bail in civil cases, and imprisonment for debt, with a view to ascertain whether some amendment was not, and what amendment was necessary, reported that it is inexpedient to change the existing laws on that subject: in which the Senate concurred.

Mr Thornton from the same committee, to whom had been referred a petition of sundry citizens of Talladega county, requesting the passage of a law to remove the disability of non-age, in the case of Judson A. Rowe, so as to permit said Rowe to practice law in this State, reported against the prayer of the petitioners; in which the Senate concurred.

Mr Thornton from the same committee, to whom had been referred a bill in relation to dower, reported it inexpedient to pass the same.

On motion of Mr Daily, the report and bill were laid on the table.

Mr Hunter presented the petition of Major Weatherford and others, of Conecuh county: the reading dispensed with, and referred to the committee on propositions and grievances.

Mr Thornton from the judiciary committee, to whom had been referred a bill to authorise the election of a justice of the peace in the town of Greenville, Butler county, reported the same back to the Senate, amended as therein shown.

The report, with the bill, on motion of Mr Womack, was laid on the table.

Mr Andrews from the committee on propositions and grievances, to whom had been referred the petition of the mayor and aldermen and common council of the city of Mobile, with the accompanying bill, reported the bill back to the Senate, and advised its passage. Placed among the orders of the day.

Mr Thornton from the judiciary committee, to whom had been referred a bill from the House of Representatives, to repeal, in part, an act entitled an act regulating punishments under the Penitentiary system, approved January 9, 1841, reported the same back to the Senate, without amendment, and advised its passage. Placed among the daily orders.

Message from the House of Representatives, by Mr Cook:

Mr President,—The House of Representatives have passed a joint resolution, authorising Arthur Foster to draw and receipt for the pay of John H. Garrett, deceased, late a Representative from the county of Cherokee, and

A bill authorising the executors of David White, deceased, to administer said decedents estate, in the county courts of certain counties therein named. All of which originated in the Senate.

Mr Dailey from the select committee, to whom was referred a bill from the House of Representatives, to incorporate the town of Dadeville in Talla-

peosa county, reported the same back to the Senate, with sundry amendments as therein shewn, and advised its passage.

Amendments concurred in; bill ordered to a third reading.

Mr Brindley from the select committee, to whom had been referred a bill for the relief of Sally Partain, wife of James Partain, of Blount county, reported a substitute therefor, which was adopted, and ordered to be engrossed for a third reading.

Mr Phillips introduced a bill, to be entitled an act to regulate protest and notice in certain cases where bills or notes are the property of the bank of the State of Alabama or any of its branches; read first time.

Mr Phillips moved to suspend the constitutional rule, for the purpose of giving the bill a second reading forthwith.

The motion was lost for the want of the constitutional majority of four-fifths. Yeas 21—Nays 7.

Those voting in the affirmative are, messrs Address, Brindley, Buford, Creagh, Dent, Foster, Hudson, Hunter, King, Lea, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Toulmin, Thornton, Turner, Watrous and Wilson of J.

Those who voted in the negative are, messrs President, Baylor, Clarke, Dailey, McVay, Rodgers and Womack.

And the bill was ordered to a second reading.

Mr Buford from the judiciary committee, to whom had been referred a bill to be entitled an act to prevent frauds on the State bank and its branches, together with several amendments thereto; reported as a substitute to said bill and amendments,

A bill to be entitled an act to prevent bank frauds, which was adopted by the Senate, and

On motion of Mr Creagh, the further consideration thereof, was postponed till Monday next, and made the special order at 11 o'clock.

Mr Hudson introduced a bill to be entitled an act for the relief of Reuben Lackey, tax collector of Jackson county, which was read a first time.

Mr Terry moved its indefinite postponement.

Mr Baylor, who had twice spoken on the subject, rose to address the Senate, when

Mr McConnell made a point of order. The question was then put, "shall the gentleman have leave to proceed;" which was decided in the affirmative. Yeas 24—Nays 4.

Those voting in the affirmative are, messrs President, Address, Baylor, Brindley, Buford, Clarke, Creagh, Dailey, Dent, Foster, Hudson, Hunter, Lea, McAllister, McClanahan, McVay, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Wilson of J., and Womack.

Those voting in the negative are, messrs King, McConnell, Oliver and Rodgers.

The question then recurred on Mr Terry's motion to postpone; which was lost. Yeas 10—Nays 19.

Those voting in the affirmative are, messrs President, Baylor, Clarke, Creagh, McAllister, McClanahan, McVay, Reese and Thornton.

Those who voted in the negative are, messrs Address, Brindley, Buford, Dailey, Foster, Hudson, Hunter, Lea, McConnell, Oliver, Phillips, Ross, Rodgers, Toulmin, Turner, Watrous, Wilson of J., and Womack.

The bill was then ordered to a second reading.

A message was received from his Excellency the Governor by his private secretaay Mr Harrison.

Mr President: His Excellency the Governor, did on this day, approve and sign bills of the following titles, to wit:

An act to confirm the will of Thomas Murphy, deceased.

An act to authorise Norborn E. Chandler of Sumter county, to sell goods, wares and merchandise without license, and free of tax in said county.

An act to change the time of convening the general assembly.

An act to authorise the Comptroller of public accounts to draw his warrant on the State treasurer, in favor of Sion L. Perry, for the balance of the salary due the late Horatio G. Perry, Judge of the 2d judicial circuit.

All of which originated in the Senate.

Mr Ross from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, bills of the following titles, to wit:

An act to ascertain and fix permanently the line between the counties of Madison and Jackson.

An act to compensate the commissioners of roads and revenue, in the counties of Dale, Wilcox, Chambers and Barbour.

An act to fix and permanently establish the boundaries of the 48th and 89th regiments of Alabama militia, in the city and county of Mobile.

An act to amend an act entitled an act to incorporate the Marion female association, approved, 9th January 1841.

The hour of 11 o'clock having arrived, the Senate took up the special order, which was the joint resolutions in relation to the distribution of the proceeds of the sales of the public lands.

Mr Terry moved to suspend the special order, for the purpose of enabling him to introduce a bill; which was carried.

Mr Terry introduced a bill, to be entitled an act to amend the law in relation to witnesses in State cases; was read a first time and ordered to a second reading.

Mr Lea moved to suspend the special order generally, which was carried.

Mr Lea introduced a bill to be entitled an act to divide the State of Alabama into three chancery divisions, and for other purposes; which was read the first time. Mr Lea moved to suspend the constitutional rule, for the purpose of giving the bill a 2d reading forthwith; which was carried. Yeas 21. Nays 8.

Those who voted in the affirmative were, Messrs Andress, Buford, Clarke, Creagh, Hudson, Hunter, King, Lea, McAllister, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Watrous, Wilson of J., and Wemack.

Those who voted in the negative were, Messrs President, Baylor, Brindley, Dailey, Foster, McClanahan, McVay, and Rodgers.

The question then recurred, on ordering the bill to a 2d reading: which was carried.

On motion of Mr Lea, **RESOLVED**, that a committee of six be appointed by the Senate, to act jointly with such committee as may be appointed by the House of Representatives, to whom may be referred the bill introduced into the Senate, to be entitled an act to divide the State of Alabama into three

chancery divisions, and for other purposes, which committee are authorised to perfect, amend, and report back said bill, or to bring in any other measure as a substitute, if deemed advisable; whereupon, Messrs Lea, Thornton, Hudson, McConnell, Baylor, and Hunter, on the part of the Senate, were appointed said committee.

The Senate then resumed the consideration of the special order, the further consideration of which, on motion of Mr Hudson, was postponed until Tuesday next, and made the special order for 11 o'clock.

The Senate then took up the regular orders of the day.

Engrossed bill to compensate Wm H. Thomas & Co., for extra work done on the Penitentiary building, was read a third time, and lost. Yeas 7. Nays 22.

Those who voted for its passage were, Messrs Dailey, King, Lea, McConnell, Reese, Ross, and Wilson, of J.

Those who voted in the negative were, Messrs President, Address, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter, McAllister, McClanahan, McVay, Oliver, Rodgers, Thornton, Toulmin, Turner, Watrous and Womack.

Engrossed bill to be entitled an act for the relief of Haley G. Jenkins and David Covington, was read a third time and passed. Yeas 23. Nays 4.

Those who voted in the affirmative were, Messrs President, Address, Brindley, Buford, Clarke, Creagh, Dailey, Foster, Hudson, Hunter, King, Lea, McAllister, McConnell, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Watrous, Wilson of J., and Womack.

Those who voted in the negative were, Messrs Dent, McClanahan, McVay, and Turner.

Ordered, that the title be as aforesaid.

Mr Ross, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled bills of the following titles, to-wit:

An act entitled an act to change the mode of appointing apportioners within the county of Walker.

An act to extend the time for collecting the county, school and road tax in the county of Mobile, for the year 1841, and for other purposes.

An act to repeal in part, and amend an act entitled an act to incorporate the Selma and Tennessee rail road company, approved 22d December, 1836.

Bills from the House of Representatives of the following titles, to-wit:

An act to incorporate the Burnt Corn male academy in Conecuh county.

An act for the benefit of the estate of John S. Gray, deceased; and

A joint resolution for the sale of the decisions of the Supreme court of Alabama; were severally read a third time and passed.

Engrossed bill to be entitled an act to repeal in part an act therein named, was read a third time and passed.

Ordered, that the title be as aforesaid.

A bill from the House of Representatives, to incorporate the medical society of the city of Mobile, being on its third reading, was, on motion of Mr Lea, referred to a select committee.

Whereupon, Messrs Lea, Toulmin, and Baylor were appointed said committee.

A bill from the House of Representatives, for the relief of tales jurors in the

county of St. Clair, and other counties, was read a third time, and on motion of Mr Dent, amended, by way of engrossed ryder, by adding after Benton—Tuskaloosa and Butler.

The question then recurred on the passage of the bill, as amended, which was carried.

Bills of the following titles, to-wit:

An act to establish a board of physicians in the town of Jacksonville, and

An act to amend an act, passed January 7th, 1841, entitled an act for the promotion of the health and convenience of the city of Mobile, by the introduction into said city, a supply of wholesome water, to be used for domestic purposes, and extinguishment of fires; were each read a 2d time, and ordered to be engrossed for a 3d reading.

A bill from the House of Representatives to divorce Amanda White from her husband Wm A. White, was read a third time and passed. Yeas 21.—Nays 8.

Those who voted in the affirmative were, Messrs President, Baylor, Brindley, Buford, Clarke, Hunter, King, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson, of J., and Womack.

Those who voted in the negative were, Messrs Andress, Creagh, Daily, Dent, Foster, Hudson, Lea, and Reese.

Ordered, that the title be as aforesaid.

A bill from the House of Representatives, to divorce Jos. Daniel from his wife, Huldah Daniel, was read a third time and passed. Yeas 20. Nays 8.

Those who voted in the affirmative were, Messrs President, Baylor, Brindley, Buford, Clarke, King, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson, of J., and Womack.

Those who voted in the negative were, Messrs Andress, Creagh, Daily, Dent, Foster, Hudson, Lea, and Reese.

Ordered, that the title be as aforesaid.

Mr Wilson, from the committee on enrolled bills, reported that the committee have examined, and found correctly enrolled, bills of the following titles, to-wit:

An act to change the name of Alfred B. Palmore.

An act to require the county officers of Marshall county, to receive certain claims therein named.

An act to authorise an additional surveyor for Samter county.

Joint resolutions in regard to certain records.

A bill to amend an act entitled an act relating to absconding slaves, approved January 1839, was read a 2d time.

Mr Creagh moved to strike out all after the word repealed; which was lost. Yeas 6. Nays 21.

Those who voted in the affirmative were, Messrs President, Creagh, Hudson, McClanahan, Toulmin, and Turner.

Those who voted in the negative were, Messrs Andress, Baylor, Brindley, Buford, Clarke, Dailey, Dent, Hunter, King, Lea, McAllister, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Thornton, Watrous, Wilson, of J., and Womack.

The question then recurred on ordering the bill to be engrossed for a third reading : which was carried.

A bill from the House of Representatives, to repeal in part, an act regulating punishments under the Penitentiary system, approved January 9th, 1841, was read a 2d time.

Mr Womack moved to amend the same by adding "Butler" after Coosa county ; which was carried.

Mr Dailey moved further to amend, by adding " Tallapoosa" after Butler. Carried.

The bill, as amended, was ordered to a 3d reading. Yeas 22. Nays 5.

Those who voted in the affirmative are, messrs Andress, Baylor, Brindley, Buford, Clarke, Creagh, Dailey, Dent, Foster, Hunter, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Ross, Thornton, Toulmin, Watrous, Wilson of J. and Womack.

Those who voted in the negative are, messrs President, Hudson, King, Rodgers and Turner.

On motion of Mr McConnell, the Senate then adjourned until to-morrow morning 10 o'clock.

FRIDAY, Dec. 10, 1841.

The Senate met pursuant to adjournment.

Mr Hudson moved to reconsider the vote taken on yesterday, refusing to pass a bill to compensate Win. H. Thomas & Co. for extra work done on the penitentiary building; which was carried.

On motion of Mr Hudson, the bill was ordered to lie on the table.

Mr Brindley presented the petition of sundry citizens of Blount and Walker counties, the reading of which was dispensed with, and on motion referred to the committee on roads, bridges and ferries.

Mr Ross, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, bills of the following titles, to wit:

An act to authorize the executors of David White, deceased, to administer said decedents estate in the county courts of certain counties therein named.

Joint resolutions authorising Arthur Foster to draw and receipt for the pay of John H. Garrett, deceased, late member of the House of Representatives, for the county of Cherokee.

Mr McConnell presented the petition of Dan'l Rather and others of Benton county; the reading of which was dispensed with, and referred to the committee on county boundaries.

Mr Thornton, from the judiciary committee, to whom had been referred a resolution instructing them to inquire into the constitutionality and expediency of repealing any act giving the privileges of turnpiking roads and charging therefor, when said roads may not be kept in order as contemplated therein, reported that so far as relates to repealing any such acts as are named in the resolution, it would depend upon the terms of the act creating the franchise. But it was competent to the judicial tribunals of the country to adjudge a forfeiture of the franchise on the grounds of misuser or nonuser of its functions; and to facilitate such judicial procedure, the committee had instructed him to report and recommend the passage of a bill, to be entitled an act authorising proceedings at the instance of the State of Alabama against the

owners of turnpike roads in certain cases; which bill was presentd, read and ordered to a second reading.

Mr Andress, from the committee on propositions and grievances to whom was referred the report of the commissioners appointed to superintend the erection of a State arsenal, reported a bill to make an appropriation for a State arsenal; which was read and ordered to a second reading.

Mr Andress, from the same committee to which had been referred the petition of Mr Lyle, of Greene county, reported that it was inexpedient to grant the same.

Mr Hunter moved to lay the report upon the table; which was lost.

The question then recurred on concurring in the report; which was carried.

Mr McClanahan, from the committee on military affairs, to whom had been referred by resolution, so much of the Governor's message as related to purchase of a suitable building for a State arsenal, reported that there was a bill before the Senate making an appropriation for that purpose. The committee therefore asked to be discharged from the further consideration of the subject; in which the Senate concurred.

Mr Dailey, from the select committee to whom had been referred a bill from the House of Representatives, to appoint court house commissioners of the county of Tallapoosa, and for other purposes therein specified, reported it back to the Senate with sundry amendments as therein shewn, and thus amended recommended its passage.

The amendments were concurred in by the Senate, and the bill was read a third time and passed.

Ordered that the title be as aforesaid.

On motion of Mr Turner, **RESOLVED**, that the committee on the State bank be requested (if they have in their possession the indebtedness of the members of the legislature to the several banks in this State) to furnish a copy of the same to the Senate.

Mr Dailey introduced a bill to abolish a precinct in Tallapoosa county, and for other purposes; which was read and ordered to a second reading.

Mr Andress introduced a bill to be entitled an act for the relief of B. H. Howard and Edmund Gillard, of the county of Monroe; which was read, and the constitutional rule being dispensed with, it was read a second time, and on motion of Mr Andress, referred to the committee on the judiciary.

Mr Watrous, from the committee on the judiciary, to whom had been referred a bill to be entitled an act in reference to the duties of clerks of the county courts of this State, reported the same back to the Senate, amended by an additional section, and recommended its passage.

The amendment was adopted by the Senate, and the bill ordered to be engrossed for a third reading.

Mr Reese introduced a bill to be entitled an act to reduce into one act, the duties of assessors and tax collectors; which was read and ordered to a second reading.

Mr Toulmin introduced a bill to be entitled an act the better to secure the right of suffrage to naturalized citizens of the city and county of Mobile; which was read and ordered to a second reading.

On motion of Mr McConnell, **RESOLVED**, that the committee on the judia-

ry be instructed to inquire into the expediency of reducing the fees of registers in chancery, with leave to report by bill or otherwise.

Mr Lea, from the select committee to whom had been referred a bill to be entitled an act to incorporate the medical society of the city of Mobile, and for other purposes, reported by way of engrossed ryder, a proviso to the 8th section: with which amendment the committee recommended the passage of the bill.

The amendment was adopted by the Senate, and the bill was read a third time and passed.

Ordered, that the title be as aforesaid.

A message was received from the House of Representatives by Mr Tunstall.

Mr President: The House of Representatives concur in the amendments made by the Senate to the bill for the relief of Harriet Hatfield and others.

They have passed bills which originated in the House of Representatives of the following titles, to wit:

An act to repeal an act therein named.

An act to vest in Ann Jones, wife of Lewis Jones, certain rights and privileges therein named, and for other purposes.

An act to incorporate the Tallapoosa manufacturing company.

An act to designate the line between the 15th and 88th regiment of Alabama militia, in the county of Jefferson.

An act to regulate the duties of the county treasurer and tax collector for the county of Russell.

An act to incorporate Midway academy, in the county of Macon.

An act to establish an additional board of physicians in the town of Florence.

An act to amend an act therein named, and for other purposes.

An act to compel the judges of the county courts of the counties of Franklin and Wilcox, to reside at or within three miles of the court house.

An act to levy a special tax for Autauga county, and for other purposes.

An act to provide for digesting the laws of Alabama.

An act to incorporate the town of Clayton, Barbour county, Alabama.

In all of which they ask the concurrence of the Senate.

Bills from the House of Representatives of the following titles, to wit:

An act to levy a special tax for Autauga county, and for other purposes.

An act to incorporate the town of Clayton, in Barbour county, Alabama.

An act to provide for digesting the laws of the State of Alabama.

An act to compel the judges of the county courts of the counties of Franklin and Wilcox, to reside at or within three miles of the court house.

An act to amend an act therein named and for other purposes.

An act to establish an additional board of physicians in the town of Florence.

An act to incorporate Midway academy, in the county of Macon.

An act to define and regulate the duties of county treasurer and tax collector for the county of Russell.

An act to designate the line between the 15th and 88th regiments of Alabama militia, in the county of Jefferson.

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The amendment was adopted by the Senate, and the bill was read a third time and passed.

Ordered, that the title be as aforesaid.

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An act to incorporate the town of Clayton, in Barbour county, Alabama.

An act to provide for digesting the laws of the State of Alabama.

An act to compel the judges of the county courts of the counties of Franklin and Wilcox, to reside at or within three miles of the court house.

An act to amend an act therein named and for other purposes.

An act to establish an additional board of physicians in the town of Florence.

An act to incorporate Midway academy, in the county of Macon.

An act to define and regulate the duties of county treasurer and tax collector for the county of Russell.

An act to designate the line between the 15th and 88th regiments of Alabama militia, in the county of Jefferson.

An act to incorporate the Tallapoosa manufacturing company.

A bill from the House of Representatives to repeal the general ticket law, was read a third time and passed. Yeas 19—Nays 11.

Those who voted in the affirmative are, messrs Alston, Address, Buford, Dent, Foster, Hudson, Hunter, King, Lea, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Watrous and Womack.

Those who voted in the negative are, messrs President, Baylor, Brindley, Clarke, Creagh, Dailey, McAllister, McClanahan, Reese, Turner and Wilson of Jackson.

Ordered, that the title be as aforesaid.

The Senate then took up the regular orders of the day,

Joint resolutions proposing to alter the 13th section of the 5th article of the constitution of the State of Alabama, making the judges of the county courts elective by the people, were read a third time and passed. Yeas 28—Nays 1.

Those who voted in the affirmative are, messrs President, Address, Baylor, Brindley, Buford, Clarke, Creagh, Dailey, Dent, Foster, Hudson, Hunter, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Mr Alston voted in the negative.

Engrossed bill to establish a board of physicians in the town of Jacksonville, was read a third time.

Mr Clarke offered an additional section to the bill by way of engrossed rider; which was adopted.

The question then recurred on the passage of the bill; which was carried.

Ordered, that the title be as aforesaid.

Engrossed bill to be entitled an act to amend an act entitled an act relating to absconding slaves, approved Jan. 28, 1839.

Mr Turner offered an additional section by way of engrossed rider; which was adopted.

The question then recurred on the passage of the bill; which was carried.

Ordered, that the title of the same be as aforesaid.

Engrossed bills of the following titles, to wit:

An act to amend an act passed 7th January, 1841, entitled an act for the promotion of the health and convenience of the city of Mobile, by the introduction into said city of a supply of wholesome water to be used for domestic purposes, and for the extinguishment of fires.

An act to incorporate the Magnolia male and female academy in the county of Marengo.

An act for the relief of Sally Partain, wife of James Partain, of Blount county, were severally read a third time and passed.

Ordered, that the titles remain as aforesaid.

Bills from the House of Representatives of the following titles, to wit:

An act to repeal in part an act entitled an act regulating punishments under the penitentiary system, approved January 9, 1841; and

An act to incorporate the town of Dadeville, in the county of Tallapoosa, were severally read a third time and passed.

Ordered, that the titles of the same be as aforesaid.

A Bill to be entitled an act, more effectually to punish the owners, or occupants of houses kept for gaming, was read a second time.

Mr Creagh moved to strike out the word "owner," which was lost.—Yeas 4, Nays 24.

Those who voted in the affirmative are, messrs Creagh, Dailey, Rodgers and Toulmin.

Those who voted in the negative are, messrs President, Alston, Address, Baylor, Brindley, Clarke, Dent, Foster, Hudson, Hunter, King, Lea, McAllister, McClanahan, McConnell, McVay, Phillips, Reese, Ross, Thornton, Turner, Watrous, Wilson of J. and Womack.

The question then recurred on ordering the bill to be engrossed for a third reading; which was carried.

Mr Wilson of J., from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled,

An act to alter the mode of collecting and assessing the taxes of Limestone county.

A bill to be entitled an act to regulate protest and notice in cases where bills or notes are the property of the bank of the State of Alabama, or any of its branches, was read a second time and referred, on Mr Phillips' motion, to the State bank committee.

A bill to be entitled an act to amend the law in relation to witnesses in State cases, was read a second time, and on motion of Mr Phillips, referred to the committee on the judiciary.

A bill to be entitled an act for the relief of Reuben Lackey, was read a second time, and on motion of Mr Wilson of J. referred to a select committee.

Whereupon messrs Wilson of J., Baylor and Phillips were appointed said committee.

A bill to be entitled an act to divide the State of Alabama into three chancery divisions, and for other purposes, was read a second time, and on motion of Mr Lea, ordered to lie upon the table.

Mr Phillips introduced a bill to be entitled an act to wind up the branch bank at Decatur; which was read a first time, and the constitutional rule being dispensed with, it was read a second time forthwith, and on motion of Mr Lea, laid on the table, and thirty-three copies thereof ordered to be printed.

Mr Dent introduced a bill to be entitled an act for the benefit of Lucinda Williamson; which was read a first time, and the question was, Shall it be ordered to a second reading; which was determined in the negative. Yeas 6—Nays 17.

Those who voted in the affirmative are, messrs Dent, McAllister, McConnell, Phillips, Thornton and Womack.

Those who voted in the negative are, messrs President, Alston, Brindley, Creagh, Dailey, Hudson, Hunter, King, Lea, McClanahan, McVay, Reese, Rodgers, Toulmin, Turner and Wilson of J.

Mr Toulmin introduced a bill to be entitled an act the better to enable the collection of debts due the bank of Mobile; read and ordered to a 2d reading.

On motion of Mr Hudson, the Senate then adjourned until to-morrow morning 10 o'clock.

SATURDAY, DEC. 11, 1841.

The Senate met pursuant to adjournment.

Mr Wilson of J. presented the petition of sundry citizens of Jackson county, praying relief for Reuben Lackey, tax collector of said county; which was

read and referred to the select committee to whom had been referred a bill upon the same subject.

Mr Lea introduced a bill to repeal an act entitled an act to amend the charter of the bank of mobile and the Planters and merchants bank of mobile; which was read, and ordered to a second reading.

On motion of Mr Dailey, a bill in relation to dower, was taken from the table, and on motion of Mr Hudson, the same was placed among the orders of the day.

Mr Andress, from the committee on propositions and grievances, to which had been referred the petition of Major Weatherford, of Conecuh county, with accompanying certificates, reported the bill in conformity therewith; which was read, and ordered to a second reading.

On motion of Mr Lea, a bill to divide the State of Alabama into three chancery divisions, was taken from the table and placed among the orders of the day.

On motion of Mr Wilson of J., a bill to reduce and define the fees of certain officers therein named, was taken from the table and placed among the orders of the day.

On motion of Mr Thornton, the Senate adjourned until monday morning 10 o'clock.

MONDAY, DEC. 13, 1841.

The Senate met pursuant to adjournment.

Mr Wilson of F. presented the petition of sundry citizens of marion county, the reading of which was dispensed with and referred to the committee on county boundaries.

Mr Hudson presented the account of the jailor of Franklin county, the reading of which was dispensed with and referred to the committee on accounts and claims.

Mr Dent presented the memorial of D. H. Bingham, in relation to the improvement at the McGrews shoals, in the Tombeckbee river; which was read, and on motion of Mr Dent, ordered to lie upon the table.

On motion of Mr Womack, the vote just taken upon laying the memorial upon the table, was reconsidered.

Mr Alston moved its reference to the committee on internal improvement and inland navigation; which was lost.

Mr Lea, to the committee on propositions and grievances.

Mr Hunter, to lay upon the table; which was carried.

Mr Ross, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled,

An act for the relief of Harriet Hatfield.

An act for the relief of Sarah Squires.

An act to regulate the proceedings of the several circuit courts of this State; and

An act to amend the laws of this State relating to collections of claims against steam boats and other water crafts navigating the waters of Alabama.

Mr Thornton, from the judiciary committee, to whom had been referred a resolution instructing them to prepare and report a bill to the Senate making provision for the selection and location of the public lands in the State of Alabama, belonging to this State by virtue of the 8th section of an act of Congress, entitled an act to appropriate the proceeds of the sales of the public

lands, and to grant pre-emption rights, approved Sept. 4, 1841, reported a bill embracing the provisions recommended in the resolution; which was read and ordered to a second reading.

Mr Thornton, from the same committee, to whom had been referred a resolution instructing them to inquire into the expediency of amending the law in relation to trustees, as to authorise the register in chancery to give the notice by publication, that is now required to be given by the trustee before he can resign his trust, reported a bill to remedy the present inconvenience in the premises; which was read and ordered to a second reading.

Mr Thornton, from the same committee to which had been referred a bill to be entitled an act to enforce liabilities of sheriffs in respect of default and misfeasance in office, reported that it was inexpedient to pass said bill.

On motion of Mr Buford, the bill was recommitted, with instructions to bring in a substitute therefor.

Mr Thornton, from the same committee to whom had been referred a bill to amend the several acts in relation to the trial of right of property, reported that it was inexpedient to pass the same.

On motion of Mr Watrous, the report, together with the bill, was ordered to lie upon the table.

Mr Thornton, from the same committee to whom had been referred a bill in regard to remedies for forcible entries and detainer, reported that it was inexpedient to pass the same; in which the Senate concurred.

Mr Thornton, from the same committee to which had been referred a bill for the relief of Wm. B. Howard and Edmund Gillard, reported the same back to the Senate without amendment, and recommended its passage; which went among the orders of the day.

The of hour of 11 o'clock having arrived, the Senate took up the special order; which, on motion of Mr Wilson of F., was suspended for the purpose of enabling him to introduce a bill.

Mr Wilson of F., introduced a bill to be entitled an act to attach a part of Marion to Fayette county; which was read a first and second time forthwith, and on motion of Mr Wilson of F., referred to the committee on county boundaries.

The Senate then resumed the consideration of the special orders.

A bill to compensate John M. Cooper, a contractor for work done on the Tombecbee river, and for other purposes, being first in order.

On motion of Mr Reese, the words "as soon as convenient," were stricken out, and "by the 1st of February next," inserted in lieu thereof.

Mr Creagh moved to strike out the word "four," where it occurs before the word "thousand," in the second section; which was lost. Yeas 10—Nays 21.

Those who voted in the affirmative are, messrs Andress, Brindley, Creagh, Hudson, McClanahan, McVay, Reese, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs President, Alston, Baylor, Buford, Clarke, Dailey, Dent, Foster, Hunter, Jones, Lea, McAllister, McConnell, Oliver, Phillips, Ross, Rodgers, Thornton, Watrous, Wilson of J. and Womack.

The question then recurred on ordering the bill to be engrossed for a third reading; which was carried.

A bill to be entitled an act to prevent bank frauds, was read a second time, and amendments thereto offered by Mr Buford, Terry, Phillips and Dailey.

On motion of Mr Jones, the bill together with the proposed amendments, was recommitted to the committee on the judiciary.

On motion of Mr Terry, resolved by the Senate and House of Representatives of the State of Alabama in general assembly convened, that the joint examining committee raised at the present session of the general assembly, for the purpose of investigating the frauds alleged to have been committed on the bank of the State of Alabama and its several branches, be, and they are hereby instructed to give special attention in their investigations to the leaf cut out from the check book of the State bank, which fact was brought to the notice of the general assembly by the President of the State bank, and by the commissioners appointed to examine the same, in their respective annual reports of the year 1810. That committee employ all the powers with which they are, or may be invested, to bring to light the author of this deed.

Mr Dent introduced a bill to be entitled an act to regulate cotton weighers in the city of Mobile, and for other purposes; which was read a first and second time.

Mr Creagh moved its reference to the judiciary committee; which was lost.

Mr Dent, to a select committee; which was carried.

Whereupon messrs Dent, Creagh and Phillips, were appointed said committee.

Mr Phillips introduced a bill to be entitled an act to authorise the bank of the State of Alabama and its branches, to receive the State bonds in payment of certain debts due said bank and its branches; which was read a first time, and the constitutional rule being dispensed with, it was read a second time forthwith, and on motion of Mr Phillips, referred to the committee on the State bank.

Mr Brindley offered the following preamble and joint resolutions:

Whereas, the bank and branches of our State, with all their powers, to prey upon people, are unable to sustain themselves. whilst they are unequivocally State institutions—every citizen being a stockholder in proportion to the value of his property. Yet not more than one quarter or one sixth of the citizens are indebted to them, or have as yet contributed any thing to their support, and by reason of the elopement or insolvency of many of said debtors, the honest debt paying debtors, are and have been far more oppressed, for, of them, both the bank and State have for years past, obtained support.—Said banks now present the head and front of in debt and out of credit.—Their promises being under the value of specie, it cannot be expected that farmers who are not themselves in debt, will sell bills to the banks, drawn on commercial cities, and meet and pay them at maturity with par funds.

And whereas, (to say nothing at this time of the propriety or impropriety of having any kind of banks in a republic like this, when the people who must be taxed to support every kind of banks, are themselves sovereign) we now think that without a change of policy, a direct tax to make good the losses on account of our banks, must inevitably be levied. Believing that the community or State that uses the least cash, paying as it does less cost and interest, is destined with the same industry, economy and resources, to become the richest.

Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That

in the opinion of this General Assembly, it is the duty of the respective boards of Presidents and Directors of the Bank of the State of Alabama and its several branches, to use their best exertions to restore confidence and credit to said banks, and the more effectually to effect the same, to contract their circulation to their ability to resume specie payments, and as far and fast as possible, (without oppressing their debtors too much,) to sink the State's liability.

On motion of Mr Brindley, the House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, Dec. 14, 1841.

The Senate met pursuant to adjournment.

Mr Brindley presented the petition of sundry citizens of Blount county; which was referred to a select committee, consisting of Messrs Brindley, Toulmin, and Rogers.

Mr Dent presented the account of Hogan & Lyon, which was referred to the committee on accounts and claims.

Mr McConnell, from the committee on county boundaries, to whom had been referred a petition of sundry citizens of Marion county, praying to be attached to Fayette county, together with a bill on the same subject, reported the bill back to the Senate, and recommended its passage; which went among the orders of the day.

Mr Toulmin, from the committee on the State Bank, to whom had been referred a bill to be entitled an act better to secure unknown, bad and doubtful debts, owing to the Bank of the State of Alabama and Branches, reported the same back to the Senate, without amendment, and recommended its passage; which was placed among the orders of the day.

Mr Toulmin, from the same committee, to whom had been referred a bill to be entitled an act to regulate protest and notice, in cases where bills and notes are the property of the Bank of the State of Alabama, or any of its branches, reported that it was inexpedient to pass the same; in which the Senate concurred.

Mr Lea, from the committee on internal improvement and inland navigation, to whom had been referred a bill to be entitled an act to appropriate a certain sum for the repairs of the Tennessee canal, reported as a substitute, "A bill to be entitled an act to secure the Muscle Shoals canal against dilapidation," which was adopted by the Senate.

Mr Andress offered an additional section to said bill, making an appropriation for the Alabama river.

The bill, together with the amendment, was, on motion of Mr Creagh, re-committed to the committee on internal improvement and inland navigation, with instructions to report a bill embracing the objects both of the original bill, and the proposed amendments.

Mr Daily introduced a bill to be entitled an act to extend the time of holding the spring terms of the Circuit court of Macon county, which was read three several times, (the constitutional rule being suspended,) and passed.

Ordered, that the title remain as aforesaid.

The following message was received from his excellency the Governor, by his private Secretary, Mr Harrison.

Mr President—His excellency the Governor did, on this day, approve and sign bills of the following titles, to-wit:

An act to amend an act entitled an act to incorporate the Marion female association, approved 9th January, 1841.

An act to ascertain and fix permanently the line between the counties of Madison and Jackson.

An act to alter the mode of collecting and assessing the taxes in Limestone county.

An act to compensate the commissioners of roads and revenue in the counties of Dale, Wilcox, Chambers, and Barbour.

An act to fix and permanently establish the boundaries of the 48th and 49th regiments of Alabama militia, in the city and county of Mobile.

An act to authorize the executors of David White deceased, to administer said decedents estate, in the county courts of certain counties therein named; and

Joint resolutions authorising Arthur Foster to draw and receipt for the pay of John H. Garrett, deceased, late a member of the House of Representatives, for the county of Cherokee, all of which originated in the Senate.

Mr Dent, from the select committee, to whom was referred a bill to regulate the weighers of cotton in the city of Mobile, and for other purposes, reported a substitute therefor, which was adopted by the Senate.

Mr Toulmin moved to strike out 4-6, where it occurs in said bill, with a view to insert "8," which was lost. The question then recurred on ordering the bill to be engrossed for a third reading, which was carried.

Mr McConnell introduced a bill to be entitled an act for the relief of Francis C. Myers, and others, which was read, and the constitutional rule being dispensed with, it was read a second time, and ordered to be engrossed for a third reading.

The hour of 11 o'clock having arrived, the Senate took up the special order of the day, which was joint resolutions heretofore offered by Mr Baylor on the subject of the distribution of the proceeds of the public lands among the several States.

On motion of Mr Wilson of J., the consideration of the special order was postponed.

Mr Wilson of J. introduced a bill to place in liquidation the branch of the bank of the State of Alabama at Mobile, which was read a first time.

Mr Phillips moved to suspend the constitutional rule, for the purpose of giving the bill its second reading forthwith, upon which the yeas and nays were demanded. Yeas 20 Nays 11.

Those who voted in the affirmative are messrs Alston, Andress, Brindley Buford, Dailey, Dent, Foster, Hudson, Hunter, McVay, Oliver, Phillips, Reese, Ross, Rodgers, Thornum, Turner, Watrous, Wilson of J. and Wilson of F.

Those who voted in the negative are messrs President, Baylor, Clarke, Cresh, Jones, Lea, McAllister, McClanahan, McConnell, Toulmin and Womack.

The question was lost, not having received the constitutional majority of four fifths.

The question then recurred on ordering the bill to a second reading, which was carried.

On motion of Mr Phillips, a bill to be entitled an act to wind up the branch of the bank of the State of Alabama at Decatur, was taken from the table.

and on Mr Phillips' motion, the further consideration thereof was postponed until Thursday next, and made the special order of the day at 11 o'clock.

On motion of Mr Lea, a bill to be entitled an act to prevent the sacrifice of real estate, was taken from the table and placed among the orders of the day.

The Senate then moved the consideration of the special order.

The question being on concurring in the report of the committee on federal relations, which proposed to strike out the first resolution; and the vote being taken thereon, was determined in the affirmative.—Yeas 16, Nays 15.

Those who voted in the affirmative are messrs Alston, Address, Buford, Dailey, Dent, Foster, Hunter, Lea, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Watrous and Womack.

Those who voted in the negative are messrs President, Baylor, Brindley, Clarke, Creagh, Hudson, Jones, McAllister, McClanahan, McVay, Rodgers, Toulmin, Turner, Wilson of F. and Wilson of J.

On motion of Mr Wilson of F., the resolutions were ordered to lie upon the table.

The Senate then proceeded to the consideration of the daily orders.

The resolutions offered yesterday by Mr Brindley being under consideration,

Mr Buford offered the following amendment, to wit:

And be it further resolved, that the principle of our present system of banking is corrupting, ruinous, and ought to be changed.

Mr Wilson of F. offered an amendment to the amendment, in the words following: "and all other systems of banking by which the few are enabled to swindle the many."

On motion of Mr Hudson the resolutions, together with the amendments, were referred to the committee on the State bank.

Engrossed bill to be entitled an act in reference to the duties of clerks of the county courts in this State, were read a third time and passed.

On motion of Mr Phillips, the caption of the bill was amended by adding the words following, to wit: "And to dispense with deeds of conveyance at commissioners' sale of real estate."

Engrossed bill to be entitled an act more effectually to punish the owners or occupants of houses kept for gaming, was read a third time and passed. Yeas 26, Nays 5.

Those who voted in the affirmative are messrs President, Alston, Address, Baylor, Brindley, Clarke, Dent, Foster, Hudson, Hunter, Jones, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Ross, Thornton, Turner, Watrous, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are messrs Buford, Creagh, Dailey, Rodgers and Toulmin.

Ordered that the title be as aforesaid.

A bill from the House of Representatives, to provide for the digesting of the laws of the State of Alabama, was read a second time, and on motion of Mr Lea, referred to the committee on the judiciary.

Bills from the House of Representatives of the following titles, to wit:

An act to levy a special tax for Autauga county, and for other purposes.

An act to incorporate the town of Clayton, Barbour county, Alabama.

An act to compel the judges of the county courts of the counties of Frank-
lin and Wilcox, to reside at, or within three miles of the court house.

An act to amend an act therein named, and for other purposes.

An act to establish an additional board of physicians in the town of Flor-
ence.

An act to incorporate Midway Academy in the county of Macon.

An act to define and regulate the duties of county treasurer and tax col-
lector, for the county of Russell; and

An act to designate the line between the 15th and 88th Regiments of Ala-
bama Militia in the county of Jefferson, were severally read a second time,
and ordered to a third reading.

A bill to be entitled an act to incorporate the Tallapoosa manufacturing
company, was read a second time, and on motion of Mr Hudson, referred to
the judiciary committee.

A message was received from the House of Representatives by Mr
Cooke.

Mr President: the House of Representatives have passed a bill to be enti-
tled an act to declare the Noxubee river a navigable stream.

A bill from the House of Representatives, to be entitled an act to vest in
Ann Jones, wife of Lewis Jones, certain rights and privileges therein named,
and for other purposes, was read a second time, and on motion of Mr Wat-
rous, referred to the judiciary committee.

A bill from the House of Representatives to be entitled an act to repeal
an act therein named, was read a second time.

Mr Reese moved its reference to the judiciary committee,—which was
lost.

Mr Creagh moved the indefinite postponement of the bill, which was lost.
Yeas 13, Nays 18.

Those who voted in the affirmative are Messrs Alston, Andress, Brindley,
Clarke, Creagh, Hudson, McClanahan, Oliver, Reese, Rodgers, Turner,
Wilson of F. and Wilson of J.

Those who voted in the negative are Messrs President, Baylor, Buford,
Dailey, Dent, Foster, Hunter, Jones, Lea, McAllister, McConnell, McVay,
Phillips, Ross, Thornton, Toulmin, Watrous and Womack.

Mr Creagh offered the following amendment:

Be it further enacted, that the duelling law, so far as the same has regard
to the qualifications of members of the General Assembly, be, and the same
is hereby repealed, which was rejected.—Yeas 5, Nays 26.

Those who voted in the affirmative are messrs Creagh, McAllister, Reese,
Rodgers and Wilson of F.

Those who voted in the negative are messrs President, Alston, Andress,
Baylor, Brindley, Buford, Clarke, Dailey, Dent, Foster, Hudson, Hunter,
Jones, Lea, McClanahan, McConnell, McVay, Oliver, Phillips, Ross, Thorn-
ton, Toulmin, Turner, Watrous, Wilson of J. and Womack.

Mr Turner offered the following amendment, to wit:

Provided that the provisions of this act shall not apply to the members of
the present General Assembly, which was rejected.—Yeas 9, Nays 21.

Those who voted in the affirmative are messrs Brindley, Clarke, Creagh,
Dailey, Hudson, Reese, Toulmin, Turner and Wilson of F.

Those who voted in the negative are messrs President, Alston, Andress

Baylor, Buford, Dent, Foster, Hunter, Jones, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Watrous, Wilson of J. and Womack.

Mr Rodgers offered a proviso to said bill in the words following, to wit:

Provided, that so soon as a member of either House shall be elected to any office, his seat shall be declared vacant, which was adopted. Yeas 21,—Nays 10.

Those who voted in the affirmative are messrs President, Alston, Address, Baylor, Buford, Clarke, Creagh, Hudson, Jones, McAllister, McClanahan, McVay, Oliver, Reese, Ross, Rodgers, Toulmin, Turner, Watrous, Wilson of J. and Womack.

Those who voted in the negative are messrs Brindly, Dailey, Dent, Foster, Hunter, Lea, McConnell, Phillips, Thornton and Wilson of F.

The question then recurred on ordering the bill as amended, to a third reading, which was lost.

The following communication was received from his Excellency the Governor, by his private Secretary:

EXECUTIVE DEPARTMENT. }
TUSCALOOSA, Dec. 14, 1841. }

MR PRESIDENT,

SIR:—In conformity to a resolution of the board of Trustees of the University of Alabama, I invite your honorable body to attend the commencement exercises of the University on to-morrow at 10 o'clock; A. M., and solicit your acceptance of the same.

BENJAMIN FITZPATRICK.

Bills of the following titles, to wit:

An act authorising proceedings at the instance of the State of Alabama, against the owners of turnpike roads, in certain cases.

An act, the better to secure the right of suffrage to naturalized citizens of the city and county of Mobile.

An act for the relief of Major Weatherford.

An act for the relief of Wm. B. H. Howard and Edmond Gillard, of the county of Monroe.

An act concerning trustees.

An act to attach a part of Marion to Fayette county; and

An act to secure unknown, bad and doubtful debts; owing to the bank of the State of Alabama and branches, were severally read a second time, and ordered to be engrossed for a third reading.

A bill making an appropriation for a State Arsenal, was read a second time, and ordered to be engrossed for a third reading.—Yeas 20, Nays 11.

Those who voted in the affirmative are Messrs President, Alston, Address, Baylor, Brindley, Clarke, Creagh, Dailey, Dent, Foster, Hudson, Hunter, Jones, Lea, McAllister, McClanahan, McConnell, Oliver, Turner and Wilson of J.

Those who voted in the negative are messrs Buford, McVay, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Watrous, Wilson of F. and Womack.

A bill to be entitled an act to abolish a precinct in Tallapoosa county, and for other purposes, was read a second time and on motion of Mr Hudson, referred to the committee on propositions and grievances.

A bill to be entitled an act to reduce into one act the duties of assessors and tax collectors, was read a second time, and on motion, referred to the judiciary committee.

A bill to be entitled an act in relation to dower, was read a second time, and the question being on ordering it to a third reading, was determined in the negative.—Yeas 12, Nays 19.

Those who voted in the affirmative are Messrs Alston, Creagh, Dailey, Hudson, Lea, McAllister, McClanahan, Oliver, Phillips, Watrous, Wilson of F. and Womack.

Those who voted in the negative are Messrs President, Address, Baylor, Brindley, Buford, Clarke, Dent, Foster, Hunter, Jones, McConnell, McVay, Reese, Ross, Rodgers, Thornton, Toulmin, Turner and Wilson of J.

A bill to be entitled an act to divide the State of Alabama into three chancery divisions, and for other purposes, was read a second time, and on motion of Mr Lea, the further consideration thereof was postponed until Thursday next, and made the special order for 11 o'clock of that day.

A bill to be entitled an act to reduce and define the fees of certain officers therein named.

Mr Brindley offered an amendment to the bill, which, together with the bill itself, was on motion of Mr Hudson, referred to the judiciary committee.

A bill to be entitled an act to repeal an act to amend the charters of the bank of Mobile, and the Planters and Merchants bank of Mobile, was read a second time, and on motion of Mr Hudson, referred to the committee on the State Bank.

Engrossed bill to be entitled an act to compensate John M. Cooper, a contractor for work done on the Tombecbee river, and for other purposes; was read a second time and passed. Yeas 20—Nays 10.

Those who voted in the affirmative are; messrs President, Alston, Address, Baylor, Clarke, Dailey, Foster, Hunter, Jones, Lea, McAllister, McConnell, Oliver, Phillips, Ross, Rodgers, Thornton, Watrous, Wilson of J., and Womack.

Those who voted in the negative are, messrs Brindley, Buford, Creagh, Dent, Hudson, McClanahan, Toulmin, Turner and Wilson of F.

Ordered, that the title be as aforesaid.

A bill, to be entitled an act to appoint commissioners to select and locate certain lands therein named, was read a second time, and on motion of Mr Hudson, the further consideration thereof was postponed until Saturday next, and made the special order at 11 o'clock.

A bill from the House of Representatives, to declare the Noxubee river a public highway, was read and ordered to a second reading.

On motion of Mr Lea: Resolved, that when the Senate adjourns to-day, it will adjourn until Thursday next, 10 o'clock, A. M., for the purpose of attending the Commencement Exercises of the University, in compliance with the invitation of the board of Trustees, through his Excellency the Governor.

Mr Foster offered joint resolutions upon the subject of common schools education, which was read and ordered to a second reading.

On motion of Mr Foster, they were referred to the committee on education.

Mr Dent offered the following joint resolution: Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that the Governor of the State of Alabama be, and he is hereby

authorised to contract for, and have covered, the State Capitol; provided, the costs shall not exceed the amount of the State Capitol fund now in the Treasury.

Mr Hudson moved to adjourn, which was lost. Yeas 12—Nays 15.

Those who in the affirmative are, messrs Address, Baylor, Brindley, Buford, Creagh, Hudson, Hunter, McAllister, McClanahan, Oliver, Phillips and Rodgers.

Those who voted in the negative are, messrs President, Alston, Clarke, Daily, Dent, Jones, Lea, McVay, Ross, Thornton, Toulmin, Turner, Watrous, Wilson of F., and Womack.

Mr Clarke moved to postpone the resolution of Mr Dent, until Saturday 11 o'clock; which was lost. Yeas 11—Nays 16.

Those who voted in the affirmative are, messrs Address, Buford, Clarke, Hunter, Lea, McAllister, Oliver, Phillips, Ross, Toulmin and Watrous.

Those who voted in the negative are, messrs President, Alston, Baylor, Brindley, Creagh, Daily, Dent, Hudson, Jones, McClanahan, McVay, Rodgers, Thornton, Turner, Wilson of F., and Womack.

The question then recurred on ordering the resolution to a second reading, which was carried. Yeas 16—Nays 11.

Those who voted in the affirmative are, messrs President, Alston, Baylor, Brindley, Dent, Hudson, Hunter, Jones, Lea, McClanahan, McVay, Oliver, Rodgers, Thornton, Turner and Wilson of F.

Those who voted in the negative are, messrs Address, Buford, Clarke, Creagh, Daily, McAllister, Phillips, Ross, Toulmin, Watrous and Womack.

Mr Lea introduced a bill, to be entitled an act to incorporate Perry College in Marion, Perry county, which was read, and ordered to a second reading.

Mr Buford offered the following resolution: Resolved, that it be referred to the committee on education, to inquire into the expediency of proposing some measure for the encouragement of southern literature, and the diffusion of southern sentiments, by promoting the use in our schools of books by authors raised among us, and well disposed towards our peculiar institutions; and also to inquire into, and recommend some mode of collecting and preserving books and manuscripts connected with the history of this State and the aborigines thereof.

On motion of Mr Watrous, the Senate then adjourned.

THURSDAY, Dec. 16, 1841.

The Senate met pursuant to adjournment.

Mr Hunter presented the account of Thos. P. Simmons, jailer of Lowndes county; which was referred to the committee on accounts and claims.

Mr McAllister presented the account of Young Mann, sheriff of Henry county; and also the account of Albert Parish; which were severally referred to the committee on accounts and claims.

Mr Dent presented the account of Hogan & Lyon; which was referred to the committee on accounts and claims.

Mr Hudson from the committee on federal relations to whom had been referred so much of the Governor's message, as related to national affairs, reported, that all the subjects embraced in said reference have been acted upon by the committee, and reported to the Senate. The committee asked to be discharged, which was granted.

Mr Hudson from the committee on accounts and claims, to whom had been referred sundry accounts and claims against the State, reported a bill making allowance for the same, as therein shewn, and recommended its passage; which was read, and ordered to a second reading.

Mr McClanahan from the committee on military affairs, to whom had been referred the account of Jesse H. Watson, reported that there was no law authorising payment to be made for such accounts. The committee therefore asked to be discharged from its further consideration.

On motion of Mr Lea, the report was ordered to lie upon the table.

Mr McClanahan from the same committee, to whom had been referred a bill to incorporate the 1st regiment of volunteer militia in Mobile county, and a petition in favor, and one against, the passage of the same, reported that it was inexpedient to pass said bill.

On motion of Mr Toulmin, the report and bill were ordered to lie upon the table.

Mr Hunter from the judiciary committee, to whom had been referred a bill from the House of Representatives, to vest in Ann Jones, wife of Lewis Jones, certain rights and privileges therein named, and for other purposes, reported the same back to the Senate, which went among the orders of the day.

Mr Andress from the committee on propositions and grievances, to which was referred a bill, to be entitled an act to abolish a precinct in Tallapoosa county, and for other purposes, reported the same back to the Senate, and recommended its passage; which went among the orders of the day.

Mr McConnell from the committee on county boundaries, to whom had been referred the petition of sundry citizens of Benton county, reported a bill in conformity to the prayer of the petitioners; which was read and ordered to a second reading.

Mr Phillips from the select committee, to whom had been referred a bill for the relief of Reuben Lackey, reported the same back to the Senate, amended as therein shewn, and recommended its passage. The amendment was concurred in by the Senate, and the bill ordered to be engrossed for a third reading.

Mr Thornton introduced a bill to be entitled an act to amend the charters of the branch of the bank of the State of Alabama at Mobile, a bill to secure the collection of the bad, doubtful and suspended debt, due the same, which was read a first and second time.

Mr Clarke moved to strike out compound, where it occurs in said bill, with the view to insert settle.

Mr Hudson to refer to the State bank committee, which was carried.

Mr Toulmin introduced a bill, to be entitled an act to repeal an act entitled an act to increase the sheriffs fees in Baldwin county, approved, December 23d 1837; was read a first and second time, and ordered to be engrossed for a 3d reading.

Mr Watrous introduced a bill, to be entitled an act regulating the trial of the right of property, which was read a first and second time, and on motion of Mr McClanahan, referred to the judiciary committee.

Mr McConnell introduced a bill for the relief of David Myers, which was read a first and second time.

Mr Toulmin offered an additional section to the bill: which was adopted.

Mr McConnell moved further to amend the bill, so as to make the last word

of the first section read 1841, instead of 1840; which was carried. The bill as amended, was ordered to be engrossed for a third reading.

Mr Wilson of F., introduced a preamble and joint resolution, requiring suits to be brought against the President and Directors of the several banks in this State, in certain cases, which was read a first and second time, and on motion of Mr Wilson of F., referred to the judiciary committee.

Mr Alston offered the following resolution: Resolved, that the State bank committee have the indebtedness of the members of the present General Assembly, published, and to inquire into the correctness of the reports made by the several cashiers of the State bank and its branches.

Mr Hudson moved to lay the resolution on the table, which was lost.

Yeas 13—Nays 17.

Those who voted in the affirmative are, messrs President, Clarke, Dailey, Dent, Hudson, Lea, McAllister, McClanahan, McConnell, Rodgers, Toulmin, Turner and Womack.

Those who voted in the negative are, messrs Alston, Andress, Brindley, Buford, Creagh, Foster, Jones, King, McVay, Oliver, Phillips, Reese, Ross, Thornton, Watrous Wilson of F., and Wilson of J.

The question then occurred upon the adoption of the resolution; which was carried. Yeas 15—Nays 14.

Those who voted in the affirmative are, messrs Alston, Andress, Brindley, Buford, Creagh, Foster, Jones, King, McVay, Oliver, Phillips, Ross, Thornton, Watrous and Wilson of F.

Those who voted in the negative are, messrs President, Clarke, Dailey, Dent, Hudson, Lea, McAllister, McClanahan, McConnell, Rodgers, Toulmin, Turner, Wilson of J., and Womack.

The following message was received from the House of Representatives by Mr Tunstall:

Mr President,—The House of Representatives have passed bills of the following titles, to wit:

An act for the relief of Thomas B. Royston.

An act to amend an act therein named.

An act to divorce Nancy P. Morrow from her husband James Morrow.

An act relative to causeways in the county of Wilcox.

An act to reduce the number of company musters.

An act to amend the charter of the city of Mobile.

An act to create a certain county therein named, and for other purposes.

They also concur in the the amendment made by the Senate to the bill to repeal in part an act entitled an act regulating punishments under the penitentiary system, approved January 9, 1841.

They concur in the amendments made by the Senate to the bill to incorporate the medical society of the city of Mobile, and for other purposes.

They disagree to the amendments made by the Senate to the bill to appoint court house commissioners of the county of Tallapoosa, and for other purposes, therein specified.

They concur in the amendments made by the Senate to the bill to incorporate the town of Dadeville, in Tallapoosa county.

They concur in the amendments made by the Senate to the bill for the relief of tales jurors in the county of St. Clair, and other counties.

They concur in the resolution of the Senate to appoint a committee to

act with the committee appointed on the part of the Senate to whom may be referred the bill to divide the State into three chancery divisions, and for other purposes.

Whereupon, messrs Yancey, Reynolds, B. McAlpin, Phillips, Taylor and Winston, were appointed said committee; on the part of the House.

The bill from the House of Representatives, for the relief of Thomas B. Royston, was read a third time and passed. On its passage, there were—
Yeas 18—Nays 11.

Those who voted in the affirmative are, messrs President, Brindley, Clarke, Dent, Foster, Jones, King, Lea, McAllister, McConnell, Phillips, Reese, Ross, Thornton, Wilson of F., Wilson of J., and Womack.

Those who voted in the negative are, messrs Alston, Address, Buford, Creagh, Dailey, Hudson, McClanahan, McVay, Rodgers, Toulmin and Turner.

Ordered, that the title be as aforesaid.

The hour of 11 o'clock having arrived, the Senate took up the special orders.

A bill to be entitled an act to wind up the branch of the bank of the State of Alabama at Decatur, being first in order.

Mr Dent moved its reference to the committee on the State bank.

Mr Buford moved to postpone the further consideration of the bill until tomorrow, and make it the special order at 11 o'clock; which was lost. Yeas 12—Nays 17.

Those who voted in the affirmative are, messrs Alston, Address, Brindley, Buford, Clarke, Foster, King, Lea, McConnell, Oliver, Turner and Watrous.

Those who voted in the negative are, messrs President, Creagh, Dailey, Dent, Hudson, Jones, McAllister, McClanahan, McVay, Phillips, Ross, Rodgers, Thornton, Toulmin, Wilson of F., Wilson of J., and Womack.

The question then recurred upon Mr Dent's motion to refer; which was lost. Yeas 15—Nays 15.

Those who voted in the affirmative are, messrs President, Brindley, Creagh, Dent, Foster, Hudson, Lea, McAllister, McClanahan, McVay, Rodgers, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are, messrs Alston, Address, Buford, Clarke, Dailey, Jones, King, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Watrous and Wilson of F.

On motion of Mr Terry, the further consideration of the bill was postponed until Saturday next, and made the special order at 11 o'clock.

A bill to be entitled an act to divide the State of Alabama into to three chancery divisions, and for other purposes, was read a second time, and on motion of Mr Hudson, referred to the joint committee raised for the purpose of taking that subject into consideration.

Mr Toulmin, from the committee on the State bank, to whom had been referred a bill to be entitled an act to authorise the bank of the State of Alabama and its branches, to receive the State bonds in payment of certain debts due said bank and branches, reported the same back to the Senate amended as therein shewn; which was adopted, and the bill ordered to be engrossed for a third reading.

Mr Reese moved to take from the table joint resolutions in relation to the distribution of the proceeds of the sales of the public lands; which was carried.
Yeas 16—Nays 14.

Those who voted in the affirmative are, messrs President, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, McVay, Reese, Rodgers, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative are, messrs Alston, Address, Buford, Dailey, Dent, King, Lea, McConnell, Oliver, Phillips, Ross, Thornton, Watrous and Womack.

Mr Reese then moved to reconsider the vote taken upon concurring in the report of the committee on federal relations; which was carried.

Mr Terry moved to postpone the further consideration of the subject until Monday next, and make it the special order for 11 o'clock on that day; which was carried.

Bills from the House of Representatives of the following titles, to wit:

An act to create a certain county therein named, and for other purposes.

An act to alter and amend the charter of the city of Mobile.

An act to reduce the number of company musters.

An act to divorce Nancey P. Morrow from her husband James Morrow.

An act to amend an act therein named, were severally read and ordered to a second reading.

The bill from the House of Representatives in relation to causeways in the county of Wilcox, was read a first and second time, and on motion of Mr Ross, referred to the committee on roads, bridges and ferries.

The House of Representatives having refused to concur in the amendments of the Senate to the bill from the House to appoint court house commissioners of the county of Tallapoosa, and for other purposes therein specified,

Mr Dailey moved that the Senate adhere thereto; which was carried.

Mr Rodgers introduced a bill to be entitled an act to compensate Robert Fenner and others, and for other purposes; which was read a first and second time, and on motion of Mr Rodgers, referred to the committee on accounts and claims.

Mr Ross made the following report:

The committee appointed on the part of the Senate to act with the committee on the part of the House of Representatives for the purpose of examining the Comptroller and Treasurer's offices, have performed that duty, and for the satisfaction of the Senate, as well as the officers of the two departments, respectfully report,

That they commenced the examination with the date of the 27th of November, 1840, to which the said offices had been examined, as will appear by reference to a report made by a committee appointed for that purpose on the 30th Nov. 1840. The committee having compared every voucher with the entries on the books in the Comptroller's office; also, the vouchers in the Treasurer's office, with the entries on his books, together with the various acts of appropriations from the above date, to the close of the fiscal year 1841, on examination, running up to seven hundred and twenty-nine entries in all of which not the smallest error or mistake appeared.

The committee also examined the additions and extensions of the different books, and compared them with the reports made by the Comptroller and Treasurer, and find them all to correspond; and to these reports, the committee respectfully refer the condition of the several funds, and the balance in the treasury.

The committee will also respectfully report, that the books in both depart-

ments are kept in a clean and neat manner, and in a plain and simple style—and all the papers and vouchers carefully and correctly filed.

In closing this report, the committee feel it due to the officers of the two departments to say, that every facility was afforded the committee by them, to aid and assist in carrying on the examination, and that the officers have discharged their duties faithfully and correctly, according to law.

(Signed)

ROSS, Com. on part of Senate.

On motion of Mr Turner, **RESOLVED**, that with the concurrence of the House of Representatives, the two houses will assemble in the hall of the House of Representatives on Saturday the 18th inst. at the hour of 7 o'clock, P. M., to elect a President and six Directors for the branch of the bank of the State of Alabama at Huntsville.

Mr Hudson offered the following resolution:

RESOLVED, that with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House on Saturday the 18th inst. at the hour of 12 o'clock, M., for the purpose of going into the election of a Comptroller of public accounts, State Treasurer and Quarter Master General, of the State.

Mr Turner moved to strike out 12, where it occurs in said resolution, with the view of inserting 7; which was lost.

The question then recurred on the adoption of the resolution; which was carried.

A message was received from the House of Representatives by the clerk thereof.

Mr President; The House of Representatives have passed the bill which originated in the Senate, entitled an act to enable the joint examining committee more efficiently to investigate bank frauds, and have amended the same by striking out all after the enacting clause, and substituting other sections in lieu thereof; in which the concurrence of the Senate is requested.

The Senate then proceeded to the consideration of the daily orders.

A resolution heretofore offered by Mr Buford in relation to the encouragement of southern literature, and the collecting materials of further history of the State, being under consideration.

On motion of Mr Hudson, the resolution was referred to the committee on education.

A bill from the House of Representatives to be entitled an act for the relief of Francis C. Myers, William Easley and Abram Rendhari, and for other purposes, was read a third time.

Mr Terry moved to amend the bill with an additional section by way of engrossed ryder; which was carried.

Mr Reese moved further to amend by adding a proviso to said bill.

Mr Turner, to amend the amendment with an additional section.

Mr Terry called for a division of the question; which was taken first on the amendment of Mr Turner, and carried.

Next on the amendment of Mr Reese; which was rejected.

The question then recurred on the passage of the bill as amended; which was carried.

Ordered, that the title be as aforesaid.

Engrossed bill to be entitled an act making an appropriation for a State arsenal, was read a third time and passed. Yeas 19—Nays 12.

Those who voted in the affirmative are, messrs President, Alston, Address, Brindley, Clarke, Creagh, Dailey, Dent, Foster, Hudson, Jones, King, Lea, McClanahan, McConnell, Thornton, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs Buford, Hunter, McAllister, McVay, Oliver, Phillips, Reese, Ross, Rodgers, Watrous, Wilson of F. and Womack.

Ordered, that the title be as aforesaid.

Engrossed bill to be entitled an act the better to enable the collection of debts due the bank of Mobile, was read a third time and passed. Yeas 22—Nays 8.

Those who voted in the affirmative are, messrs President, Address, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter, King, McAllister, McClanahan, McConnell, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous and Wilson of J.

Those who voted in the negative are, messrs Alston, Brindley, Dailey, Jones, Lea, McVay, Reese, Wilson of F. and Womack.

Ordered, that the title be as aforesaid.

Engrossed bill to be entitled an act for the relief of Major Weatherford was read a third time.

Mr Hunter offered an additional section to said bill by way of engrossed ryder.

Mr Creagh moved to amend the amendment by striking out the latter clause thereof; which was carried.

On motion of Mr Hunter, the bill, together with the amendment, was referred to a select committee.

Whereupon messrs Hunter, Lea and Buford were appointed said committee.

Engrossed bill to be entitled an act for the relief of Wm. B. H. Howard and Edmund Gillard, of the county of Monroe and others, was read a third time.

Mr Hunter moved to amend by an additional section; which, by way of engrossed ryder, was carried.

Mr Toulmin moved further to amend by an additional section by way of engrossed ryder; which was carried.

The question then recurred upon the passage of the bill as amended; which was carried. Yeas 18—Nays 14.

Those who voted in the affirmative are, messrs President, Address, Buford, Clarke, Creagh, Foster, Hunter, Lea, McAllister, McConnell, Oliver, Phillips, Ross, Thornton, Toulmin, Turner, Watrous and Womack.

Those who voted in the negative are, messrs Alston, Baylor, Brindley, Dailey, Dent, Hudson, Jones, King, McClanahan, McVay, Reese, Rodgers, Wilson of F. and Wilson of J.

Ordered, that the title be as aforesaid.

Mr Ross, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled,

An act to repeal the general ticket law.

Engrossed bill to be entitled an act to attach a part of Marion to Fayette county, was read a third time, and on motion of Mr Wilson of F., ordered to lie upon the table.

A bill to be entitled an act to levy a special tax for Autauga county, and for other purposes, was read a third time.

Mr Brindley moved an amendment to the bill by an additional section, by way of engrossed ryder; which was carried.

Mr Womack moved further to amend by an additional section; which was carried.

The question then recurred upon the passage of the bill as amended; which was carried.

Ordered, that the title be as aforesaid.

Engrossed bills of the following titles, to wit:

An act to regulate the weighing of cotton in the city of Mobile, and for other purposes.

An act authorising proceedings at the instance of the State of Alabama against the owners of Turnpike roads in certain cases.

An act the better to secure the right of suffrage to naturalized citizens of the city and county of Mobile.

An act concerning trustees; and

An act the better to secure unknown, bad and doubtful debts owing to the bank of the State of Alabama and branches, were severally read a third time and passed.

Ordered, that the title be as aforesaid.

Bills from the House of Representatives of the following titles, to wit:

An act to incorporate the town of Clayton, Barbour county, Alabama.

An act to compel the judges of the county courts of the counties of Franklin and Wilcox, to reside at or within three miles of the court house.

An act to amend an act therein named, and for other purposes.

An act to establish an additional board of Physicians in the town of Florence.

An act to incorporate Midway Academy in the town of Macon.

An act to define and regulate the duties of county treasurers and tax collectors for the county of Russel; and

An act to designate the line between the 15th and 88th Regiments of Alabama Militia, in the county of Jefferson, were severally read a third time and passed.

Ordered that the titles of the same be as aforesaid.

A bill to be entitled an act to prevent a sacrifice of real estate being on its second reading,

Mr Phillips offered an amendment thereto in the words following, to wit: Provided, that the defendant in execution, if in possession at the time of sale, shall deliver possession to the purchaser without suit.

On motion of Mr Lea, the bill and proposed amendment were postponed until to-morrow 11 o'clock, and made the special order.

A bill from the House of Representatives to be entitled an act to declare Noxubee river a navigable stream, was read a second time, and on motion of Mr Creagh, referred to the committee on internal improvement and inland navigation.

A bill to be entitled an act to place in liquidation the branch of the bank of the State of Alabama at Mobile, was read a second time.

Mr Clarke moved its reference to the committee on the State bank.

Mr Terry, to lay upon the table, and print 33 copies thereof.

Mr Rodgers moved to postpone its further consideration until Saturday next, and make it the special order at 11 o'clock.

Mr Toulmin suggested Monday, and the vote being taken thereon by yeas and nays, it was determined in the affirmative.—Yeas 18, Nays 14.

Those who voted in the affirmative are messrs Alston, Address, Bishop, Buford, Creagh, Hudson, Hunter, King, McAllister, McClanahan, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are messrs President, Baylor, Clarke, Dailey, Dent, Foster, Jones, Lea, McConnell, McVay, Oliver, Rodgers, Watrous and Wilson of F.

Mr King moved to suspend the orders of the day.

Mr Dent, to adjourn until to-morrow morning 10 o'clock, which was lost.—Yeas 16, Nays 16.

Those who voted in the affirmative are messrs Address, Brindley, Clarke, Creagh, Dent, Foster, Jones, Lea, McAllister, McClanahan, McConnell, Rodgers, Toulmin, Watrous, Wilson of F. and Womack.

Those who voted in the negative are messrs President, Alston, Baylor, Buford, Dailey, Hudson, Hunter, King, McVay, Oliver, Phillips, Reese, Ross, Thornton, Turner and Wilson of J.

The question then recurred on Mr King's motion to suspend the orders, which was lost.

Joint resolution authorizing the Governor to have the capitol of the State covered, was read a second time.

Mr Lea moved to amend the resolution by inserting after the word capitol, "or so much thereof as may be necessary."

Mr Reese moved to postpone the further consideration of the resolution and amendment until 25th instant.

Mr McClanahan, to adjourn until to-morrow 11 o'clock, which was carried Yeas 19, Nays 13.

Those who voted in the affirmative are messrs Alston, Address, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Jones, Lea, McAllister, McClanahan, Oliver, Rodgers, Toulmin, Watrous, Wilson of J. and Womack.

Those who voted in the negative are messrs President, Baylor, Dailey, Hunter, King, McConnell, McVay, Phillips, Reese, Ross, Thornton, Turner and Wilson of F.

DECEMBER 17, 1841.

The Senate met pursuant to adjournment.

Mr Hudson presented the account of Purteate, which was referred to the committee on accounts and claims.

Mr McConnell presented the petition of Elisha Deason, which was read, and referred to the committee on divorce and alimony.

Mr Address presented the account of William G. Godbold, Sheriff of Monroe county, which was referred to the committee on accounts and claims.

Mr Phillips, from the committee on the judiciary, to whom had been referred a bill to be entitled an act to provide for digesting the laws of the State of Alabama, reported the same back to the Senate amended as therein shewn.

The amendments were concurred in, and the bill ordered to a third reading.

Mr Hudson, from the committee on accounts and claims, to whom had been referred the vouchers of William Garrett, Secretary of State, for stationery furnished by him, under the act of the Legislature of 1831, reported that the committee had examined and compared them with the amount of money drawn by him from the Treasury of the State.

The committee ask leave to state that the stationery purchased agreeable to the bills furnished, including all costs and charges, amounted to the sum of \$1052 08, and that the amount of money drawn by him to purchase the stationery aforesaid, was one thousand and seventy dollars, and leaving a balance of seventeen dollars and ninety-one and a half cents, which was left in the hands of Mr A. S. Crozier, to compensate him for his trouble in purchasing the same.

The committee felt satisfied that the money drawn had been properly applied, and that the transaction had been a considerable saving to the State.

On motion of Mr Hudson the vouchers were withdrawn, and the report ordered to be spread upon the journal.

Mr Turner, from the committee on propositions and grievances, to whom had been referred the petition of sundry inhabitants of Lowndes county, in behalf of Mrs Mary Dudley, reported, that inasmuch as a bill had passed the Senate in her behalf, extending relief, it was unnecessary further for this body to legislate upon the subject, in which the Senate concurred.

Mr Turner, from the committee on roads, bridges and ferries, to whom had been referred a bill to be entitled an act in relation to causeways in the county of Wilcox, reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

Mr Turner, from the same committee to whom had been referred the petition of James A. Sparkes, of Blount county, signed by many citizens of Blount and Walker counties, praying for an extension of the charter of a certain turnpike road, from the house of Johu Gaudy, in Morgan county, to Baltimore, or Morgan Springs, in Blount county, passed December 23rd, 1822, reported that the committee had had the same under consideration, and ascertained that an act entitled an act approved Dec, 18, 1833, extended the said act to December 23rd, 1845; the committee therefore deemed it unnecessary at present to act upon the prayer of the petitioners, and asked to be discharged from the further consideration thereof; in which the Senate concurred.

Mr Thornton, from the committee on the judiciary, to whom had been referred a bill to be entitled an act to amend the law in relation to witnesses in State cases, reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

On motion of Mr Dailey the bill from the House of Representatives, proposing to alter the time of holding the county courts in Tallapoosa county, was taken from the table and placed among the orders of the day.

Mr Toulmin, from the committee on the State bank to whom had been referred a bill to be entitled an act to amend the charter of the branch of the bank of the State of Alabama at Mobile, and better to secure the collection of doubtful, bad and suspended debts due the same, reported the same back to the Senate amended as therein shown, and recommended its passage.

The amendments were concurred in by the Senate.

Mr Toulmin moved to amend the bill by inserting after the words, "debts," in the 6th section, these words, "as determined by the President and board of directors," which was carried.

Mr Creagh moved further to amend by striking out "two," where it occurs before the word dollars, in the 3rd section, and insert "one and a half," in lieu thereof, which was lost.

Mr Rodgers offered the following amendment:

And be it further enacted, that the provisions of this act shall extend to the branch of the bank of the State of Alabama at Decatur; which was rejected. Yeas 14, Nays 15.

Those who voted in the affirmative are messrs President, Baylor, Creagh, Dailey, Dent, Hudson, McClanahan, McVay, Rodgers, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are messrs Alston, Address, Brindley, Buford, Clarke, Foster, Hunter, Jones, King, Lea, McConnell, Phillips, Ross, Watrous and Wilson of F.

Mr Address moved to reconsider the vote just taken, on rejecting the amendment of Mr Rodgers.

Mr Baylor moved to postpone the bill, together with the motion of Mr Address, to reconsider until to-morrow 11 o'clock, and make it the special order of the day.

Mr Hunter, until Monday next.

The hour of 11 o'clock having arrived, Mr President announced the special order, which was a bill to be entitled an act to prevent a sacrifice of real estate.

On motion of Mr Hudson the special order was postponed until the subject then under consideration was dispensed of.

The question then recurred on the motion of Mr Hunter to postpone until Monday next, which was lost.—Yeas 12, Nays 18.

Those who voted in the affirmative are messrs President, Creagh, Hunter, McAllister, McClanahan, Reese, Ross, Rodgers, Thornton, Toulmin, Wilson of J. and Womack.

Those who voted in the negative are messrs Alston, Baylor, Brindley, Buford, Clarke, Dailey, King, Lea, McVay, Oliver, Phillips, Turner, Watrous and Wilson of F.

The question then recurred again upon Mr Rodgers' motion to postpone until to-morrow at 11 o'clock, and make it the special order, which was carried.—Yeas 17, Nays 12.

Those who voted in the affirmative are messrs President, Baylor, Brindley, Clarke, Creagh, Hunter, King, McAllister, McClanahan, McVay, Reese, Ross, Rodgers, Thornton, Toulmin, Wilson of J. and Womack.

Those who voted in the negative are messrs Alston, Dailey, Dent, Foster, Hudson, Jones, Lea, Oliver, Phillips, Turner, Watrous and Wilson of F.

Mr Buford moved further to suspend the special order, for the purpose of making a report, which was carried.

Mr Buford, from the committee on the judiciary, to whom had been referred a bill to be entitled an act to prevent frauds on the State bank and its several branches, with the several amendments thereto.

As also a bill to be entitled an act better to secure the bank of the State of

Alabama and its branches from loss in discounting the bills and notes of insolvent persons, with the several amendments thereto.

And also a bill to be entitled an act to prevent bank frauds, with the proposed amendments thereto, reported in lieu thereof, "a bill to be entitled an act to prevent, define, remedy and punish bank frauds," and recommended its passage, which was adopted by the Senate.

On motion of Mr Buford, the bill was laid upon the table, and 133 copies thereof ordered to be printed.

On motion of Mr Hunter, the special order was further suspended for the purpose of enabling him to introduce a bill.

Mr Hunter introduced a bill to be entitled an act to appropriate in part the two per cent fund, which was read and ordered to a second reading.

Mr Hunter moved further to postpone the special order, for the purpose of enabling him to make a report, which was carried.

Mr Hunter, from the select committee to whom had been referred the bill and amendment for the benefit of Major Weatherford, reported the same back to the Senate, amended as therein shewn, and recommended its passage.

The amendment was adopted by the Senate, and the bill as amended passed.—Yeas 20, Nays 10.

Those who voted in the affirmative are messrs President, Andress, Brindley, Clarke, Creagh, Hudson, Hunter, King, Lea, McAllister, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of J. and Womack.

Those who voted in the negative are messrs Baylor, Buford, Dailey, Dent, Foster, Jones, McClanahan, McConnell, McVay and Wilson of F.

Ordered that the title be as aforesaid.

Mr McClanahan moved further to suspend the special order, for the purpose of enabling him to introduce a bill, which was lost.

The Senate then resumed the consideration of the special order of the day, the question being on the adoption of the amendment heretofore offered by Mr Phillips, which was carried.

Mr Watrous offered the following proviso, which was adopted:

Provided, that the plaintiff in execution, when the debt shall be unsatisfied by the sale of said land, shall be entitled to redeem said land as other creditors are by this act allowed to redeem, which was adopted.

Mr Dailey moved to strike out the first and second sections of said bill.

Mr Terry moved to postpone the bill indefinitely, which was lost.—Yeas 6, Nays 24.

Those who voted in the affirmative are messrs President, Alston, Andress, Dailey, McClanahan and Toulmin.

Those who voted in the negative are messrs Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, King, Lea, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Turner, Watrous and Wilson of J.

The question then recurred on Mr Dailey's motion to strike out, which was lost.—Yeas 3, Nays 27.

Those who voted in the affirmative are messrs Alston, Dailey and McClanahan.

Those who voted in the negative are messrs President, Andress, Baylor,

Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, King, Lea, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Ross, Rodgers, Toulmin, Turner, Watrous and Wilson of J.

Mr McClanahan moved to strike out "years," where it occurs, and insert "months," in lieu thereof.

Mr Baylor called for a division of the question, which was first taken on striking out, and lost.—Yeas 8, Nays 22.

Those who voted in the affirmative are messrs President, Alston, Address, Dailey, McClanahan, Oliver, Phillips, Toulmin and Wilson of F.

Those who voted in the negative are messrs Baylor, Brindley, Buford, Clarke, Creagh, Foster, Hudson, Hunter, Jones, Lea, McAllister, McConnell, McVay, Phillips, Reese, Ross, Rodgers, Thornton, Turner, Watrous and Wilson of J.

Mr Lea offered the following amendment, to wit:

Provided, that any person proposing to redeem under the provisions of this act, shall, in addition, in each instance, pay the person the intrinsic worth of any valuable and serviceable improvements made on such land or premises, and if in any case, the parties cannot agree at once, as to the value of such improvements, they, or either of them, may suggest or present the question to the next circuit court of the proper county, and said court shall, as early as practicable, cause an issue to be made up, and tried by the jury, in such manner as may be just and fair; and the verdict of the jury for a certain amount, or if for no amount, shall be conclusive and final; and each party in all such cases, shall pay one half the cost. And the said jury may also arbitrate the value of the rents and property by way of offset, to the improvements made, and the parties at their option, may arbitrate the matter in difference under the law now regulating arbitrations; which was adopted.

Mr King moved further to amend by striking out "two," wherever it occurs in said bill before "years," and insert "one," in lieu thereof.

Mr Hudson called for a division of the question, which was taken first on striking out, and lost.—Yeas 10, Nays 19.

Those who voted in the affirmative are messrs President, Alston, Address, Clarke, Dailey, Dent, King, McClanahan, Oliver, Toulmin and Wilson of F.

Those who voted in the negative are messrs Baylor, Brindley, Buford, Creagh, Foster, Hudson, Hunter, Jones, Lea, McAllister, McConnell, McVay, Phillips, Reese, Rodgers, Thornton, Turner, Watrous and Wilson of J.

Mr Buford moved further to amend by adding the following at the end of the 4th section, to wit:

"And so of other creditors, ad infinitum," which was adopted.

The question then recurred on ordering the bill as amended to be engrossed for a third reading, which was carried.—Yeas 22, Nays 10.

Those who voted in the affirmative are messrs Baylor, Brindley, Buford, Clarke, Creagh, Foster, Hudson, Jones, Lea, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Turner, Watrous, Wilson of J. and Womack.

Those who voted in the negative are messrs President, Alston, Address, Dailey, Dent, Hunter, King, McClanahan, Toulmin and Wilson of F.

The Senate then took up the bill to be entitled an act to enable the joint examining committee more efficiently to investigate bank frauds.

The question being on concurring in the amendments of the House,

Mr McVay moved its indefinite postponement, which was lost.—Yeas 3, Nays 28.

Those who voted in the affirmative are messrs McClanahan, McVay and Rodgers.

Those who voted in the negative are, messrs President, Alston, Address, Baylor, Brindley, Buford, Clarke, Creagh, Daily, Dent, Foster, Hudson, Hunter, Jones, King, Lea, McAllister, Oliver, Phillips, Reese, Ross, Thornton Toulmin, Turner, Watrous, Wilson of F., Wilson of J., and Womack.

Mr Rodgers moved to amend the bill, so as to prevent the sitting of the committee after the adjournment of the Legislature, which was rejected. The question then recurred on concurring in the amendment of the House; which was carried. Yeas 26—Nays 5.

Those who voted in the affirmative are, messrs President, Alston, Address, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, King, Lea, McAllister, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Watrous, Wilson of F., and Womack.

Those who voted in the negative are messrs.

[There are no names of those voting in the negative inserted in the journal.]

Mr Alston introduced a bill to be entitled an act regulating the clerks of the circuit and county courts of Marengo county, to make and keep reversed indexes; which was read and ordered to a second reading.

On motion of Mr Thornton, the Senate then adjourned until to-morrow morning 10 o'clock.

SATURDAY, Dec. 18, 1841.

The Senate met pursuant to adjournment.

Mr Hudson from the committee on accounts and claims, to whom had been referred the account of Hogan & Lyon, for articles furnished James B. Wallace, clerk of the supreme court, reported that in the opinion of the committee the account was not properly a State charge, and therefore ought not to be allowed.

On motion of Mr Creagh, the report and account were referred to the committee on the judiciary.

Mr Baylor from the committee on education, to whom had been referred joint resolutions upon the subject of common school education, reported that it was inexpedient to legislate on the subject; in which the Senate concurred.

Mr Baylor from the same committee to whom had been referred the petition of the commissioners of township 7, range 29, in the county of Henry, reported the same back to the Senate, and asked to be discharged from its further consideration, with a recommendation that it be referred to the joint committee of both Houses raised for the investigation of bank frauds; in which the Senate concurred.

Mr Lea introduced a bill to be entitled an act to revive the charter of incorporation of the town of Uniontown in Perry county, which was read a 1st and second time, and the constitutional rule being further dispensed with, the bill was read a third time and passed.

Mr Ross introduced a bill to be entitled an act to set apart and fix permanently the time for the trial of all offences against the State, in the county of Wilcox; which was read a first time, and on motion of Mr Ross, referred to the judiciary committee.

Mr Dailey introduced a bill to be entitled an act to repeal an act to organ-

ize and establish separate courts of chancery, approved, January 26th 1839, which was read a first time.

Mr Dailey moved to suspend the constitutional rule, for the purpose of giving the bill a second reading forthwith, which was lost.

The question then recurred on ordering the bill to a second reading; which was carried.

Mr McClanahan introduced a bill to be entitled an act to organize the 6th brigade, 3d division of Alabama militia; which was read a first and second time, and on motion of Mr McClanahan, referred to the committee on military affairs.

Mr Turner introduced a bill to be entitled an act for the benefit of John Biddle; which was read a first time.

Mr Turner moved to suspend the constitutional rule, for the purpose of giving the bill a second reading forthwith.

Mr Hudson moved its indefinite postponement; which was carried. Yeas 23—Nays 8.

Those who voted in the affirmative are; messrs Alston; Address. Baylor, Brindley, Clarke, Creagh, Dailey, Dent, Foster, Hudson, Jones, King, Lea, McClanahan, McVay, Oliver, Phillips, Reese, Rodgers, Watrous, Wilson of F., Wilson of J., and Womack.

Those who voted in the negative are, messrs President, Buford; Hunter; McConnell, Ross, Thornton, Toulmin and Turner.

Mr Lea from the joint committee to whom had been referred a bill to be entitled an act to divide the State of Alabama into three chancery divisions and for other purposes; reported the same back to the Senate, with sundry amendments as therein shewn.

Mr Wilson of F., moved to postpone the bill and report indefinitely; which was lost. Yeas 12—Nays 20.

Those who voted in the affirmative are, messrs President, Baylor; Brindley; Dailey, McAllister, McClanahan, McConnell, McVay, Rodgers, Wilson of F.; Wilson of J., and Womack.

Those who voted in the negative are, messrs Alston; Address, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, King, Lea; Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Turner and Watrous.

The question then recurred on concurring in the report of the committee which was carried. Yeas 24—Nays 8.

Those who voted in the affirmative are, messrs President, Alston, Address, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter; Jones, King, Lea, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Watrous, Wilson of F., and Wilson of J.

Those who voted in the negative are; messrs Baylor; Dailey, McAllister, McClanahan, McConnell, McVay, Rodgers and Womack.

On motion of Mr Hudson, the bill was ordered to lie upon the table.

The hour of 11 o'clock having arrived, the Senate took up the special orders:

A bill to be entitled an act appointing commissioners to select and locate certain lands, being first in order,

Mr McClanahan moved to postpone the same for the present; which was lost.

Mr Lea moved to refer the bill to a select committee; which was carried.

Whereupon messrs Thornton, Lea and Clarke, were appointed said committee.

Mr Rodgers from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, the following bills, to wit:

An act for the relief of tales jurors, in the county of St. Clair, and other counties, and

And an act to incorporate the medical society of the city of Mobile, and for other purposes.

A bill to be entitled an act to wind up the branch of the bank of the State of Alabama at Decatur, being on its 2d reading, was, on motion of Mr Clarke, ordered to lie upon the table. Yeas 16—Nays 15.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Lea, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Wilson of J., and Womack.

Those who voted in the negative are, messrs Alston, Address, Buford, Dailey, Dent, Hunter, Jones, King, Phillips, Reese, Ross, Thornton, Turner, Watrous and Wilson of F.

The next special order was a bill to be entitled an act to amend the charter of the branch of the bank of the State of Alabama at Mobile, and better to secure the collection of the doubtful, bad and suspended debts due the same.

The question being on reconsidering the vote taken upon rejecting the amendment of Mr Rodgers, extending the provisions of said act to the branch bank at Decatur, and the vote being taken thereon, was determined the negative. Yeas 15—Nays 17.

Those who voted in the affirmative are, messrs President, Baylor, Clarke, Creagh, Dailey, Dent, Hudson, McAllister, McConnell, McVay, Rodgers, Toulmin, Watrous and Wilson of J.

Those who voted in the negative are, messrs Alston, Address, Brindley, Buford, Foster, Hunter, Jones, King, Lea, McClanahan, Phillips, Reese, Ross, Thornton, Turner, Wilson of F., and Womack.

Mr Phillips offered three additional sections, which were unanimously adopted. Yeas 30.

Those who voted in the affirmative are, messrs President, Alston, Address, Baylor, Brindley, Buford, Clarke, Creagh, Dailey, Dent, Foster, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of F., Wilson of J., and Womack.

Mr Jones moved to amend the bill, by striking out the first five sections, after the enacting clause, and inserting in lieu thereof, six additional sections.

Mr Hudson called for a division of the question.

On motion of Mr Jones, the Senate then adjourned until this evening, half after 3 o'clock.

EVENING SESSION, Dec. 18, 1841.

The Senate met according to adjournment.

Mr Ross from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled,

An act to incorporate the town of Dadeville, in the county of Tallapoosa.

An act to repeal in part an act entitled an act, regulating punishments under the penitentiary system, approved, January 9, 1841.

Mr Lea from the committee on internal improvements and inland naviga-

tion, to whom had been referred a bill to be entitled an act to secure the mus-
cle shoals canal against delapidation, and amendments thereto, with instruc-
tions to amend the same so as to provide for the improvement of the Alabama
river, in some safe and judicious manner, reported a substitute for the bill and
amendments, which was adopted by the Senate, and ordered to be placed
among the orders of the day.

Mr McClanahan from the committee on military affairs, to whom was re-
ferred a bill, to be entitled an act to organize the 6th brigade, 3d division of
Alabama militia, reported the same back to the Senate and recommended
its passage.

The bill was placed among the orders of the day.

Mr Ross from the committee on enrolled bills, reported that they had ex-
amined and found correctly enrolled, bills of the following titles, to wit:

An act to divorce Joseph Daniel from his wife, Huldah Daniel.

An act to divorce Amanda White from her husband, Wm. White.

An act to incorporate the Burnt Corn male Academy, in the county of
Concehuh.

An act for the benefit of the estate of John S. Gray, deceased.

Joint resolutions for the sale of the decisions of the supreme court of Ala-
bama.

The Senate then resumed the consideration of the bill, to be entitled an act
to amend the charter of the branch of the bank of the State of Alabama at
Mobile, and better to secure the collection of the doubtful, bad and suspend-
ed debts due the same.

The question being on striking out the first five sections, after the enacting
clause, and the vote being taken thereon, it was determined in the negative.
Yeas 5—Nays 25.

Those who voted in the affirmative are, messrs Alston, Baylor, Jones, King,
and Womack.

Those who voted in the negative are, messrs President, Brindley, Buford,
Clarke, Creagh, Dailey, Dent, Foster, Hudson, Hunter, Lea, McAllister, Mc-
Clanahan, McConnell, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toul-
min, Turner, Watrous, Wilson of F., and Wilson of J.

Mr Buford moved to amend the bill, by adding three additional sections
thereto; which was carried. Yeas 18—Nays 12.

Those who voted in the affirmative are, messrs President, Alston, Address,
Baylor, Brindley, Buford, Creagh, Dailey, Jones, King, McAllister, McClana-
han, Oliver, Reese, Ross, Watrous, Wilson of F., and Womack.

Those who voted in the negative are, messrs Clarke, Foster, Hudson,
Hunter, Lea, McConnell, Phillips, Rodgers, Thornton, Toulmin, Turner and
Wilson of J.

Mr Baylor moved further to amend by striking out the third, fourth and
fifth sections; which was lost. Yeas 9—Nays 22.

Those who voted in the affirmative are, messrs Alston, Baylor, Jones, King,
Lea, Reese, Watrous and Womack.

Those who voted in the negative are, messrs President, Address, Brindley,
Buford, Clarke, Creagh, Dailey, Dent, Foster, Hudson, Hunter, McAllister,
McConnell, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Wil-
son of F., and Wilson of J.

Mr Hudson called for the previous question; which was sustained.

The question then was, shall the main question be now put; which was determined in the affirmative. Yeas 20—Nays 12.

Those who voted in the affirmative are messrs President, Andress, Brindley, Buford, Clarke, Dailey, Dent, Hudson, Hunter, King, McConnell, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Wilson of F., and Wilson of J.

Those who voted in the negative are, messrs Alston, Baylor, Creagh, Foster, Jones, Lea, McAllister, McClanahan, Ross, Turner, Watrous and Womack.

The main question was on ordering the bill to be engrossed for a third reading and the vote being taken thereon, was determined in the affirmative.—Yeas 25—Nays 6.

Those who voted in the affirmative are messrs President, Andress, Baylor, Brindley, Buford, Clarke, Creagh, Dailey, Dent, Foster, Hunter, King, McAllister, McConnell, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson, of F., and Wilson of J.

Those who voted in the negative are, messrs Alston, Jones, Lea, McClanahan, Reese and Womack.

Mr Dailey introduced joint resolutions touching the banks of the State of Alabama; which was read a first time.

Mr Dailey moved a suspension of the constitutional rule, for the purpose of giving the resolutions a second reading forthwith; which was lost.

The question then recurred on ordering the resolutions to a second reading; which was carried. Yeas 16—Nays 14.

Those who voted in the affirmative are, messrs Alston, Andress, Baylor, Buford, Dailey, Foster, Hunter, King, Lea, Oliver, Phillips, Reese, Thornton, Watrous, Wilson of F., and Womack.

Those who voted in the negative are, messrs President, Brindley, Clarke, Creagh, Dent, Hudson, Jones, McAllister, McClanahan, McConnell, Rodgers, Toulmin, Turner and Wilson of J.

Mr Oliver voted in the affirmative under a misapprehension, on the amendments coming from the House; to the bill bestowing certain powers on the joint examining committee raised to examine into bank frauds, and asked the privilege of spreading this explanation upon the Journal of the Senate.

Mr Buford, from the judiciary committee to whom had been referred a bill to be entitled an act to enforce liabilities of sheriffs in respect of defaults and misfeasance in office, with instructions to report a local bill, reported the same back to the Senate, amended in conformity to the instructions given said committee; which was adopted.

And the bill as amended, ordered to be engrossed for a third reading.

On motion of Mr Wilson of F., the Senate then adjourned until Monday morning 10 o'clock.

MONDAY, Dec. 20, 1841.

The Senate met pursuant to adjournment.

Mr Hudson asked leave of absence for Mr Dailey the balance of the session; which was granted.

Mr Lea offered a joint memorial of the Senate and House of Representatives, as to the distributive portion of the public lands; which being read.

Mr Hudson moved to lay it on the table and print 33 copies.

Mr Terry, to print 133.

Mr Hudson called for a division of the question; which was taken on laying on the table, and carried.

The question then recurred on Mr Terry's motion to print 133 copies; which was carried.

Mr Thornton, from the judiciary committee, to whom had been referred a bill regulating the trial of the right of property, reported the same back to the Senate amended as therein shewn, and recommended its passage in such amended form. The amendments were concurred in by the Senate, and the bill ordered to be engrossed for a third reading.

Mr Thornton, from the same committee to whom had been referred a bill to be entitled an act to reduce the fees of certain officers therein named, reported a substitute therefor; which was adopted by the Senate and ordered to be engrossed for a third reading.

Mr Thornton, from the same committee to whom had been referred a bill from the House of Representatives entitled an act to incorporate the Tallapoosa manufacturing company, reported the same back to the Senate and recommended its passage.

The bill was placed among the orders of the day.

Mr Rodgers, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, bills of the following titles, to wit:

An act for the relief of Thomas B. Royston.

An act to incorporate the town of Clayton, Barbour county, Alabama.

An act to define and regulate the duties of county treasurer and tax collector for the county of Russell; and

An act to incorporate Midway academy in the county of Macon.

Mr Lea, from the committee on internal improvement and inland navigation, to whom had been referred a bill from the House of Representatives to be entitled an act to declare Noxubee river a navigable stream, reported the same back to the Senate without amendment and recommended its passage.

The bill was placed among the orders of the day.

On motion of Mr Hudson, a bill to be entitled an act to divide the State of Alabama into three chancery divisions, and for other purposes, was taken from the table.

Mr Lea moved to amend the bill by inserting "Coffee," after the word Dale; which was carried.

The question then was on ordering the bill to be engrossed for a third reading; which was carried. Yeas 17—Nays 10.

Those who voted in the affirmative are, messrs Address, Brindley, Clarke, Creagh, Foster, Hudson, Hunter, Jones, King, Lea, Oliver, Phillips, Reese, Thornton, Toulmin, Turner and Watrous.

Those who voted in the negative are, messrs President, McAllister, McClanahan, McConnell, McVay, Ross, Rodgers, Wilson of F., Wilson of J. and Womack.

Mr Lea moved to reconsider the vote just taken on ordering the bill to be engrossed for a third reading; which was carried.

The constitutional rule being suspended, the bill was considered as engrossed, read a third time and passed the Senate. Yeas 14—Nays 11.

Those who voted in the affirmative are, messrs Alston, Address, Clarke

Creagh, Hudson, Hunter, Jones, King, Lea, Oliver, Phillips, Reese, Thornton and Toulmin.

Those who voted in the negative are, messrs President, Brindley, Foster, McAllister, McClanahan, McConnell, McVay, Ross, Rodgers, Wilson of F., Wilson of J. and Womack.

Ordered, that the title be as aforesaid.

Ordered, that the same be sent to the House of Representatives for their concurrence.

A message was received from his Excellency the Governor, by Mr Harrison.

EXECUTIVE DEPARTMENT,
December 20, 1841. }

To the President of the Senate:

SIR—I have the honor to make known to your honorable body a vacancy in the office of the Judge of the county court of Covington county.

(Signed)

BEN. FITZPATRICK.

Mr Andress introduced a bill to be entitled an act to incorporate the Washington Monroe male and female academy at Perryville, Monroe county; which was read a first and second time and ordered to be engrossed for a third reading.

Mr Wilson of F. moved to take from the table the bill to be entitled an act to wind up the branch bank of the State of Alabama at Decatur; which was carried. Yeas 16—Nays 14.

Those who voted in the affirmative are, messrs Alston, Andress, Buford, Clarke, Dent, Foster, Hunter, Jones, King, Lea, Oliver, Reese, Ross, Thornton, Watrous and Wilson of F.

Those who voted in the negative are, messrs President, Baylor, Brindley, Creagh, Hudson, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Turner, Wilson of J. and Womack.

Mr Wilson of F. moved to postpone the further consideration until to-morrow 11 o'clock, and make it the special order for 11 o'clock.

Mr Foster, to Wednesday next; which was lost.

The question then recurred on Mr Wilson's motion; which was carried.

Mr McConnell introduced a bill for the relief of Elisha Dodson; read and ordered to a second reading.

On motion of Mr Hudson, **RESOLVED**, that the committee on the State bank be instructed to inquire into the expediency of passing a law compelling the State bank and branches to adopt a uniform rate of interest on all debts due said institutions; and when any one of said banks has charged an improper rate of interest, it shall be compelled to refund it to said individual from whom it was taken, and report by bill or otherwise.

On motion of Mr Alston, **RESOLVED**, that the door-keeper be instructed to purchase one copy of the Supplement to Aikin's Alabama Digest, for each of the committees in the Senate; one copy for the supreme court, and one for each of the executive offices.

On motion of Mr Jones, the bill to define, remedy and punish bank frauds, was taken from the table and placed among the orders of the day.

Mr Thornton, from the select committee to whom had been referred a bill to be entitled an act to select and locate one hundred thousand acres of the public lands in the State of Alabama, in conformity with the 8th section of

the act of Congress, entitled an act to appropriate the proceeds of the public lands, and to grant pre-emption rights to settlers, approved Sept. 4, 1841, reported the same back to the Senate, amended as therein shewn, and recommended its passage: the amendments were concurred in, and the bill on motion of Mr Terry, ordered to lie upon the table.

Mr Buford presented the petition in relation to providing for the education of the deaf and dumb; which was referred to the committee on education.

Mr Buford presented the petition of Sam'l Bill, in relation to outlaying slaves; which was referred to the judiciary committee.

The hour of 11 o'clock having arrived, the Senate took up the special orders.

The first in order being joint resolutions in relation to the distribution of the proceeds of the sales of the public lands among the several States, &c., the question being on concurring in the report of the committee on federal relations, which proposed to strike out the first resolution; which was lost.—Yeas 14—Nays 16.

Those who voted in the affirmative are, messrs Alston, Andress, Buford, Dent, Hunter, King, Lea, McConnell, Oliver, Phillips, Reese, Ross, Thornton and Watrous.

Those who voted in the negative are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, McVay, Rodgers, Toulmin, Turner, Wilson of F. and Wilson of J.

The question then recurred upon the adoption of the resolutions; which was carried. Yeas 17—Nays 13.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Rodgers, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative are, messrs Alston, Andress, Buford, Dent, Hunter, King, Lea, Oliver, Phillips, Reese, Ross, Thornton, Watrous and Womack.

The question was next taken upon the adoption of the preamble; which was carried. Yeas 18—Nays 13.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Reese, Rodgers, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative are, messrs Alston, Andress, Buford, Dent, Hunter, King, Lea, Oliver, Phillips, Ross, Thornton, Watrous and Womack.

The next special order was a bill to place in liquidation the branch of the bank of the State of Alabama at Mobile; the bill being on its second reading.

Mr Wilson of F. offered the following amendment to come in after the word "salary" in the 4th section, to wit:

Provided, that the salary of any one clerk employed under the provisions of this act, shall not exceed one thousand dollars per annum.

Mr Clarke moved to refer the bill, together with the amendment, to the State bank committee.

Mr Oliver moved to amend the motion of Mr Clarke, with instructions to amend the bill in such manner as to introduce three-fifths of private interest into said branch bank, with such other amendments as will tend to bring a-

bout a sound currency, and redeem the State bonds as they may fall due; and report it back on Tuesday next.

Mr Hudson called for a division of the question, which was first taken on referring without instructions, and carried. Yeas 18—Nays 12.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Ross, Rodgers, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are, messrs Alston, Address, Dent, Foster, Hunter, King, Lea, Oliver, Phillips, Reese, Watrous and Wilson of F.

The question then recurred on the adoption of the instructions.

Mr Hudson called for a division of the question upon the instructions, which was first taken upon that portion in relation to the incorporation of private interest in said bank, and lost. Yeas 3—Nays 27.

Those who voted in the affirmative are, messrs Buford, Hunter and Oliver.

Those who voted in the negative are, messrs President, Alston, Address, Baylor, Brindley, Clarke, Creagh, Dent, Foster, Hudson, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Turner, Wilson of F., Wilson of J. and Womack.

Mr Terry moved to amend the instructions by striking out "Tuesday;" which was carried. Yeas 17—Nays 15.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Oliver, Ross, Rodgers, Thornton, Toulmin and Womack.

Those who voted in the negative are, messrs Alston, Address, Buford, Dent, Foster, Hall, Hunter, King, Lea, Phillips, Reese, Turner, Watrous, Wilson of F. and Wilson of J.

Mr Wilson of F., moved to fill the blank with "Wednesday."

Mr Reese, to lay the instructions on the table; which was carried.

Mr McConnell offered the following preamble and resolution:

Whereas, the present session of the legislature has lasted long enough; and little profit likely to accrue to the State.

Be it therefore resolved, that Senators big with speeches on finance and other subjects, be required to make them by their caption.

Mr Alston called for a division of the question, that the vote might be taken, first on the adoption of the preamble.

Mr Buford called for a further division of the question, which was taken upon that portion of the preamble which related to the termination of the session.

Mr Jones moved its indefinite postponement; which was lost. Yeas 9—Nays 23.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Foster, Hudson, Hunter, Jones, McVay and Ross.

Those who voted in the negative are, messrs Alston, Address, Buford, Clarke, Creagh, Dent, Hall, King, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of F., Wilson of J. and Womack.

The question then recurred upon the adoption of the first proposition contained in the preamble; which was carried. Yeas 23—Nays 9.

Those who voted in the affirmative are, messrs Alston, Address, Clarke, Dent, Hall, Hudson, Hunter, King, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Ross, Rodgers, Turner, Watrous, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are, messrs President, Baylor, Brindley, Buford, Foster, Jones, McVay, Reese and Toulmin.

On motion of Mr Lea, the resolution was ordered to lie upon the table.

On motion of Mr Dent, **RESOLVED**, that with the concurrence of the House of Representatives, the two Houses will convene in the Representative Hall on Tuesday evening next at 7 o'clock, P. M. for the purpose of electing a President and six Directors for the bank of the State of Alabama at Tuscaloosa; also, Comptroller of public accounts, State Treasurer and State Printer.

A message was received from the House of Representatives by Mr Tunstall.

Mr President: The House of Representatives have passed bills of the following titles; which originated in the House of Representatives, to wit:

An act to authorise James Bates to erect a toll bridge across Bates' creek, in the county of Washington.

An act to regulate the compensation of witnesses and jurors in the county of Clarke; and

An act imposing additional duties on the treasurer of Marengo county; in which they ask the concurrence of your honorable body.

Bills from the House of Representatives of the following titles, to wit:

An act to regulate the compensation of witnesses and jurors in the county of Clarke.

An act to authorise James Bates to erect a toll bridge across Bates' creek, in the county of Washington; and

An act imposing additional duties on the treasurer of Marengo county, were severally read and ordered to a second reading.

The following message was received from the House of Representatives.

Mr President: The House of Representatives have passed bills which originated in the House of Representatives, to wit:

An act to incorporate the Greensborough female academy; and

Joint resolutions for the survey of the county of Cherokee, and for other purposes.

And also a bill which originated in the Senate to be entitled an act in relation to the 16th section, township 10, of range 5, in the county of Wilcox, and have amended the same as therein shewn.

In all of which they ask the concurrence of your honorable body.

Mr Ross moved that the Senate concur in the amendment made to the bill last above alluded to; which was carried.

Bills from the House of Representatives of the following titles, to wit:

An act to incorporate the Greensborough female academy; and

Joint resolutions for the survey of the county of Cherokee, and for other purposes, were severally read and ordered to a second reading.

Mr Tunstall delivered the following message from the House of Representatives:

Mr President: The House of Representatives have passed bills of the following titles, which originated in the House.

An act to provide for the summoning grand jurors, to serve at the special criminal term of the circuit court of Mobile; and

An act to fix permanently the time for the trial of all offences against the State, in the county of Wilcox; in which they ask the concurrence of the Senate.

A bill from the House of Representatives to fix permanently the time for the trial of all offences against the State in the county of Wilcox; was read a first and second time, and on motion **MR ROSS**, referred to the committee on the judiciary.

A bill from the House of Representatives to provide for the summoning of grand jurors, to serve at the special criminal terms of the circuit court of Mobile; was read and ordered to a second reading.

MR WILSON OF F., offered the following resolution: **RESOLVED**, that the committee on the State bank be instructed to report a bill to repeal the charter of the branch bank at Mobile, and to place its affairs in liquidation, under the control of commissioners appointed by the Governor, or the Legislature, as they may deem best, and thereby save the State from the immense losses which are annually sustained by the continuance of said bank.

On motion of **MR LEA**, the Senate then adjourned until 3 o'clock this evening.

EVENING SESSION, Dec. 20, 1841.

The Senate met, pursuant to adjournment.

The resolution of **MR WILSON OF F.**, in relation to the Mobile bank, being under consideration.

The question was taken on its adoption, and determined in the affirmative. Yeas 19—Nays 12.

Those who voted in the affirmative are, messrs Alston, Baylor, Buford, Dent, Foster, Hall, Hudson, Hunter, King, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Turner, Watrous, Wilson of F., and Wilson of J.

Those who voted in the negative are, messrs President, Address, Brindley, Clarke, Creagh, Jones, Lea, McAllister, McClanahan, McConnell, Toulmin and Womack.

On motion of **MR ROSS**: **RESOLVED**, that the committee on the State bank be instructed to inquire into the expediency of changing the State bank system, so as to put the branch banks under the control of the mother bank, by making the paper of the branch banks redeemable at the counter of the mother bank.

Also, the propriety of electing the Presidents and Directors of the branch banks, by the President and Directors of the mother bank, and that they report by bill or otherwise.

MR JONES offered the following resolution: **RESOLVED**, That with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House of Representatives on Wednesday evening next, at 7 o'clock, to go into the election of a President and six Directors for the branch bank at Mobile.

On motion of **MR WILSON OF F.**, the resolution was ordered to lie upon the table.

MR KING offered the following resolution: **RESOLVED**, that the committee on the State bank be instructed to report a bill with suitable provisions, to wind up the branch of the bank of the State of Alabama at Decatur.

Mr Hudson moved to insert Montgomery, after Decatur; which was lost. Yeas 10—Nays 21.

Those who voted in the affirmative are, messrs President, Brindley, Clarke, Creagh, Hall, Hudson, Rodgers, Toulmin, Wilson of F., and Wilson of J.

Those who voted in the negative are, messrs Alston, Address, Baylor, Buford, Dent, Foster, Hunter, Jones, King, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Turner, Watrous and Womack.

The question then recurred on the adoption of the resolution; which was lost. Yeas 12—Nays 18.

Those who voted in the affirmative are, messrs Alston, Address, Buford, Dent, Hunter, King, Oliver, Phillips, Ross, Thornton, Watrous and Wilson of F.

Those who voted in the negative are messrs President, Baylor, Brindley, Clarke, Creagh, Hall, Hudson, Jones, Lea, McAllister, McClanahan, McConnell, Reese, Rodgers, Toulmin, Turner, Wilson of J., and Womack.

On motion of Mr Thornton, the bill to be entitled an act to amend the charter of the branch of the bank of the State of Alabama at Mobile, and better to secure the collection of the doubtful, bad and suspended debts due the same; was taken from the orders of the day.

Mr Wilson of F., moved to reconsider the vote taken on Saturday last, ordering the last named bill to be engrossed for a third reading; which was carried.

On motion of Mr Lea, the vote taken upon the adoption of the amendment offered by Mr Buford to said bill; was reconsidered.

On motion of Mr Thornton, the bill was then referred to a select committee, with instructions to strike out the amendment last referred to; which was carried.

The Senate then proceeded to the consideration of the orders of the day.

The resolution heretofore offered by Mr Dent, in relation to covering the State capitol, was first in order.

The question being on Mr Reese's motion to postpone the resolution with the amendment offered thereto, until the 25th inst.

Mr Reese by leave, of the Senate, withdrew his motion to postpone.

Mr Buford moved to refer the resolution and amendment to a select committee; which was lost.

Mr Womack moved its indefinite postponement; which was lost. Yeas 10—Nays 21.

Those who voted in the affirmative are, messrs Address, Buford, Hall, McAllister, McConnell, Phillips, Reese, Ross, Watrous and Womack.

Those who voted in the negative are, messrs President, Alston, Baylor, Brindley, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, King, Lea, McClanahan, Oliver, Rodgers, Thornton, Toulmin, Turner, Wilson of J., and Wilson of F.

The question then recurred upon the adoption of the amendment heretofore offered by Mr Lea, which was carried.

The question recurred again upon ordering the resolution, as amended, to be engrossed for a third reading; which was carried. Yeas 21—Nays 10.

Those who voted in the affirmative are, messrs President, Alston, Baylor, Brindley, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, King, Lea,

McClanahan, Oliver, Rodgers, Thornton, Toulmin, Turner, Wilson of F., and Womack.

Those who voted in the negative are, messrs Address, Buford, Hall, McAllister, McConnell, Phillips, Reese, Ross, Watrous and Wilson of J.

Engrossed bill to be entitled an act for the relief of David Myers and others. was read a third time, and on motion of Mr Baylor, ordered to lie upon the table.

Engrossed bill to be entitled an act for the relief of Reuben Lackey, tax collector of Jackson county; was read a third time.

Mr Lea moved to amend the bill by way of engrossed rider, in the following words, to come in after the words 'otherwise,' in the ninth line of the first section, to wit: and there is a numerously signed and respectable petition to that effect from the citizens of Jackson county; which was adopted.

The question then was, shall the bill pass; which was determined in the affirmative. Yeas 21—Nays 10.

Those who voted in the affirmative are, messrs Address, Brindley, Buford, Dent, Foster, Hall, Hudson, Hunter, King, Lea, McAllister, McConnell, Oliver, Phillips, Ross, Rodgers, Toulmin, Turner, Watrous, Wilson of J., and Womack.

Those who voted in the negative are, messrs President, Alston, Baylor, Clarke, Creagh, Jones, McClanahan, Reese, Thornton and Wilson of F.

Ordered, that the title be as aforesaid.

A bill to be entitled an act making appropriations for the payment of claims against the State; was read a second time.

Mr Hudson offered an amendment to the bill making appropriations to sundry individuals as therein shewn; which was adopted.

Mr Dent moved further to amend, by making an appropriation to Hogan & Lyon, of twelve dollars and fifty cents, for stationery furnished the clerk of the supreme court; which was adopted. Yeas 20—Nays 8.

Those who voted in the affirmative are, messrs Alston, Baylor, Brindley, Buford, Dent, Hudson, Hunter, Lea, McAllister, McConnell, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Watrous, Wilson of F., and Womack.

Those who voted in the negative are, messrs President, Address, Creagh, Hall, King, McClanahan, Turner and Wilson of J.

The constitutional rule being suspended, the bill was considered as engrossed; read a third time and passed.

Ordered, that the title be as aforesaid.

A bill to be entitled an act for the relief of Daniel Rather and others; was read a second time and ordered to be engrossed for a third reading. Yeas 27 Nay, 1.

Those who voted in the affirmative are, messrs President, Alston, Address, Baylor, Brindley, Buford, Creagh, Dent, Hall, Hudson, Hunter, King, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of F., Wilson of J., and Womack.

Mr Clarke voted in the negative.

A bill from the House of Representatives, to be entitled an act to divorce Nancy P. Morrow from her husband, James Morrow; was read a third time and passed. Yeas 22—Nays 7.

Those who voted in the affirmative are, messrs President, Baylor, Brind-

ley, Buford, Clarke, Hall, Hudson, Hunter, King, McAllister, McClanahan, McConnell, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of J., and Womack.

Those who voted in the negative are, messrs Alston, Address, Creagh, Dent, Foster, Lea and Wilson of F.

Ordered, that the title be as aforesaid.

A bill from the House of Representatives, to be entitled an act to reduce the number of company musters; was read a second time, and on motion of Mr Creagh, referred to the committee on military affairs.

A bill from the House of Representatives, to be entitled an act to alter and amend the charter of the city of Mobile; was read a second time, and on motion of Mr Toulmin, referred to a select committee: whereupon messrs Toulmin, Lea and Hall were appointed said committee.

A bill from the House of Representatives, to be entitled an act to create a certain county therein named; was read a second time, and on motion of Mr McAllister, referred to a select committee: whereupon messrs McAllister, Lea and Baylor were appointed said committee.

A bill to be entitled an act to incorporate Perry College, in Marion, Perry county; was read a second time.

Mr Lea moved to amend the bill, by striking out 'Perry,' wherever it occurs before the word 'College' and inserting in lieu thereof, Howard; which was carried.

The constitutional rule being suspended, the bill was considered as engrossed—read a third time and passed.

Ordered, that the title be as aforesaid.

A bill from the House of Representatives, to be entitled an act to vest in Ann Jones, wife of Lewis M. Jones, certain rights and privileges therein named, and for other purposes; was read a second time and ordered to a 3d reading. Yeas 18—Nays 9.

Those who voted in the affirmative are, messrs Baylor, Brindley, Clarke, Dent, Foster, Hall, Jones, King, Lea, McAllister, McConnell, Phillips, Ross, Thornton, Toulmin, Wilson of J., and Womack.

Those who voted in the negative are, messrs President, Alston, Address, Creagh, Hudson, McClanahan, Reese, Rodgers and Wilson of F.

Mr Jones, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled,

An act to enable the joint examining committee more effectually to investigate bank frauds.

A bill from the House of Representatives to be entitled an act to change the time of holding the county courts of Tallapoosa, was read a second time.

Mr Reese moved to lay it on the table, which was lost.

The question recurred on ordering the bill to a third reading, which was carried.

An engrossed bill to be entitled an act to prevent a sacrifice of real estate, was read a third time and passed.—Yeas 19, Nays 11.

Those who voted in the affirmative are messrs Address, Buford, Brindley, Clarke, Creagh, Foster, Hall, Hudson, Jones, Lea, McAllister, McConnell, Phillips, Reese, Ross, Rodgers, Turner, Watrous and Womack.

Those who voted in the negative are messrs President, Alston, Dent, Hun-

ter, King, McClanahan, Oliver, Thornton, Toulmin, Wilson of F. and Wilson of J.

Ordered that the title be as aforesaid.

A bill to be entitled an act to appropriate in part the two per cent fund, was read a second time, and on motion of Mr Hunter, referred to a select committee; whereupon messrs Hunter, Oliver and Baylor, were appointed said committee.

A bill to be entitled an act to organize the 6th brigade, 3d division, Alabama militia, was read a 2nd time and the constitutional rule being dispensed with, it was considered as engrossed. Read a third time and passed.

Ordered that the title be as aforesaid.

Engrossed bill to be entitled an act to enforce liabilities of sheriffs, in respect of defaults and misfeasance in office, was read a third time and passed.

On motion of Mr Ross the caption was amended by adding, "in the counties therein named."

Mr Alston made a motion to adjourn until to-morrow 10 o'clock, which was lost.

A bill to be entitled an act to repeal an act to organize and establish separate courts of chancery, approved January 26th, 1839, was read a second time, and on motion of Mr McConnell, ordered to lie upon the table.

Joint resolutions touching the State bank, was read a second time, and on motion of Mr Hudson, referred to the State bank committee.

A bill from the House of Representatives to be entitled an act to incorporate the Tallapoosa manufacturing company, was read a second time, and on motion of Mr Hudson, the further consideration thereof was postponed until to-morrow.

Mr King moved to adjourn, which was lost.

Engrossed bills of the following titles, to wit:

An act to repeal an act to increase the sheriff's fees in Baldwin county, approved Dec. 23d, 1837; and

An act to authorize the bank of the State of Alabama and its several branches, to receive the State bonds in payment of certain debts due said bank and branches, were severally read a third time and passed.

Ordered that the title be as aforesaid.

Bills from the House of Representatives of the following titles, to wit:

An act to provide for the digesting the laws of the State of Alabama.

An act to amend an act therein named; and

An act in relation to causeways in the county of Wilcox, were severally read a third time and passed.

Ordered that the titles be as aforesaid.

Bills of the following titles; to wit:

An act to abolish a precinct in Tallapoosa county, and for other purposes.

An act requiring the clerks of the circuit and county courts of Marengo county to make and keep reversed indexes.

An act to secure the muscle shoal canal against dilapidation, and to remove the obstructions to the navigation of the Alabama river; and

An act to amend the laws now in force in relation to witnesses in State cases, were severally read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act to declare Noxubee river a navigable stream, was read and ordered to a third reading.

A bill to be entitled an act to prevent, define, and punish bank frauds, being on its second reading,

Mr McClanahan moved to postpone the further consideration of the bill until to-morrow 11 o'clock, and make it the special order of the day.

Mr Hudson called for a division of the question on making it the special order of the day.

And the question being on postponing was carried.

Recurring then upon making it the special order, and lost.

Mr Thornton, from the select committee to whom had been referred a bill to be entitled an act to amend the charter of the branch of the bank of the State of Alabama at Mobile, and better to secure the collection of the bad, doubtful and suspended debt due the same, together with instructions to strike out the amendment which consisted of the 8th and 9th sections, reported the bill back to the Senate with the said sections stricken out.

The amendment was concurred in and the bill ordered to a third reading.

Mr Baylor made a motion to adjourn, which was lost.

On motion of Mr Toulmin,

RESOLVED, that one hundred copies of the indebtedness of the members of the General Assembly to the bank of the State and the several branch banks at Huntsville, Decatur and Montgomery, be printed for the use of the Senate.

Mr Phillips introduced a bill to be entitled an act to alter the 2nd and 6th judicial circuits, which was read and ordered to a second reading.

Mr Buford introduced a bill to be entitled an act to establish a turnpike at Anglin's bridge, on pea road, which was read and ordered to a second reading.

On motion of Mr Baylor, the Senate then adjourned until to-morrow morning 10 o'clock.

TUESDAY, Dec. 21, 1841.

The Senate met pursuant to adjournment.

Mr McClanahan presented the account of Samuel McDade, sheriff of Walker county, which was referred to the committee on accounts and claims.

Mr McClanahan, from the committee on military affairs to whom had been referred a resolution, instructing the committee to inquire into the expediency of forming additional regiments within the counties of Tuskaloosa and Randolph and Franklin, with leave to report by bill or otherwise, reported the resolution back to the Senate, and asked to be discharged from the further consideration thereof, in which the Senate concurred.

Mr Toulmin, from the select committee to whom had been referred a bill to be entitled an act to alter and amend the charter of the city of Mobile, reported the same back to the Senate without amendment, and recommended its passage, which was placed among the orders of the day.

Mr Hunter, from the select committee to whom had been referred the bill to be entitled an act to appropriate in part the two per cent fund, reported it back to the Senate without amendment, and recommended its passage.

The bill was placed among the orders of the day.

Mr Alston, from the judiciary committee to whom had been referred a bill

to be entitled an act to fix permanently the time for the trial of all offences against the State in the county of Wilcox, reported the same back to the Senate without amendment, and recommended its passage.

The constitutional rule being suspended, the bill was read a third time and passed.

Ordered that the title be as aforesaid.

A message was received from the House of Representatives by Mr Cooke.

MR PRESIDENT: the House of Representatives have passed a bill which originated in the Senate, to establish certain election precincts therein named, and for other purposes, and have amended the same as therein shewn.

They have also passed a bill which originated in the House of Representatives of the following title, to wit:

An act to provide for the special term of the chancery court at Moulton.

Mr Hudson moved to amend the amendment of the House of Representatives to the bill above mentioned, by striking out "at the house of Wm. Smith; where the road leading from Russelville to Cotton Gin, crosses big bear creek," which was carried.

Mr Hudson moved further to amend, by an additional section, which was carried.

The amendment of the House of Representatives as amended was concurred in by the Senate.

A bill from the House of Representatives to provide for a special term of the chancery court at Moulton, was read three several times, the constitutional rule being suspended, and passed.

Ordered that the title be as aforesaid.

A message was received from the House of Representatives by Mr Tunstall.

MR PRESIDENT: the House of Representatives have passed bills and joint resolutions which originated in the House of Representatives, of the following titles, to wit:

An act to require the sheriff of the county of Perry, to sell all property levied on by him in that portion of said county east of the Cahawba river, at the town of Perryville.

An act to allow Edmund Robinson to erect a gate or gates across a road therein designated.

An act to extend and change the time of holding the spring term of the circuit courts of certain counties therein named.

An act to authorise William Walker, sen. and his associates, to establish a ferry on the Black Warrior river, in Blount county.

An act to authorise the citizens of the town of Greenville, in Butler county, to elect a justice of the peace and constable.

A joint resolution in relation to purchasers of 16th section, township 4, range 5, west, in the county of Limestone.

In all which they ask the concurrence of your honorable body.

Joint resolutions from the House of Representatives in relation to purchasers of 16th section, township 4, range 5, west, in the county of Limestone, was read three several times, (the constitutional rule being suspended,) and passed.

Ordered, that the title be as aforesaid.

A bill from the House of Representatives to authorise the citizens of the town of Greenville, in Butler county, to elect a justice of the peace and constable, was read and ordered to a second reading.

A bill from the House of Representatives to authorise William Walker, sen. and his associates to establish a ferry on the Black Warrior river, in Blount county, was read a first and second time, and on motion of Mr Hudson, referred to the committee on roads, bridges and ferries.

A bill from the House of Representatives to be entitled an act to extend and change the time of holding the spring terms of the circuit courts of certain counties therein named, was read a first and second time.

Mr Phillips moved to amend by two additional sections; which was carried. The constitutional rule being further suspended, the bill was read a third time and passed.

On Mr Phillips' motion, the caption was amended by adding "and to alter the 6th and second judicial circuits.

Ordered, that the title be as amended.

A bill from the House of Representatives to require the sheriff of the county of Perry, to sell all property levied on by him in that portion of said county east of the Cahawba river, at Perryville, was read three several times forthwith, the constitutional rule being dispensed with, and passed.

Ordered, that the title be as aforesaid.

A bill to be entitled an act to allow Edwin Robinson to erect a gate or gates across a road therein designated, was read a first and second time, and on motion of Mr Hudson, referred to the committee on roads, bridges and ferries.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed bill to be entitled an act to reduce the fees of certain officers therein named, was read a third time.

On motion of Mr Hudson, the blank in said bill was filled with the word "August."

Mr McClanahan moved to amend the bill by adding, "and also attorneys and counsellors at law," by way of engrossed rider.

Mr Hudson moved the indefinite postponement of the amendment; which was carried. Yeas 19—Nays 12.

Those who voted in the affirmative are, messrs President, Alston, Address, Baylor, Brindley, Buford, Clarke, Creagh, Hudson, Hunter, Jones, Lea, Oliver, Phillips, Ross, Thornton, Toulmin, Watrous and Wilson of F.

Those who voted in the negative are, messrs Dent, Foster, Hall, King, McAllister, McClanahan, McConnell, McVay, Rodgers, Turner, Wilson of J. and Womack.

The question then recurred on the passage of the bill; which was carried. Yeas 19—Nays 12.

Those who voted in the affirmative are, messrs Address, Brindley, Creagh, Dent, Foster, Hudson, Hunter, Jones, McAllister, McConnell, McVay, Phillips, Ross, Rodgers, Thornton, Toulmin, Watrous, Wilson of F. and Wilson of J.

Those who voted in the negative are, messrs President, Alston, Baylor, Buford, Clarke, Hall, King, Lea, McClanahan, Oliver, Turner and Womack.

Ordered, that the title be as aforesaid.

Engrossed joint resolutions in relation to the State Capitol, was read a third time and passed. Yeas 22—Nays 8.

Those who voted in the affirmative are, messrs President, Alston, Baylor, Brindley, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, King, Lea, McClanahan, McVay, Oliver, Rodgers, Thornton, Toulmin, Turner, Wilson of F. and Wilson of J.

Those who voted in the negative are, messrs Address, Buford, Hall, McAllister, McConnell, Phillips, Ross and Womack.

Ordered, that the title be as aforesaid.

Engrossed bill to be entitled an act for the relief of Daniel Rather and others, was read a third time and passed. Yeas 25—Nays 2.

Those who voted in the affirmative are, messrs President, Alston, Baylor, Buford, Creagh, Dent, Foster, Hall, Hudson, Hunter, King, Lea, McAllister, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative are, messrs Clarke and McClanahan.

Ordered, that the title be as aforesaid.

Engrossed bills of the following titles, to wit:

An act to regulate the trial of the right of property.

An act to incorporate the Washington Monroe male and female academy at Puryearville, Monroe county.

An act to amend the law in relation to witnesses in State cases.

An act to abolish a precinct in Tallapoosa county, and for other purposes; and

An act requiring the clerks of the circuit and county courts of Marengo county, to keep reversed indexes, were severally read a third time and passed.

Ordered, that the titles be as aforesaid.

Engrossed bill to be entitled an act to secure the Muscle Shoal canal against dilapidation, and to remove obstructions to the navigation of the Alabama river, was read a third time.

Mr Lea offered the following proviso, by way of engrossed rider:

Provided, should there be no interest arising from the surplus revenue in said bank except what is otherwise appropriated, then, and in that event, the amount shall be paid, as prescribed in this act, out of the three per cent. fund.

Mr Hall moved to indefinitely postpone the bill, and amendment.

Mr McClanahan moved to recommit the bill to the committee on internal improvement and inland navigation; which was lost.

The question then recurred upon indefinitely postponing the bill; which was lost. Yeas 9—Nays 22.

Those who voted in the affirmative are, messrs Alston, Creagh, Dent, Foster, Hall, McConnell, Reese, Rodgers and Womack.

Those who voted in the negative are, messrs President, Address, Baylor, Brindley, Clarke, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McVay, Oliver, Phillips, Ross, Thornton, Toulmin, Turner, Watrous, Wilson of F. and Wilson of J.

The question recurred again upon the adoption of the amendment of Mr Lea; which was carried.

Mr King offered an amendment making an appropriation for the Little Bigbee, of ten thousand dollars.

Mr Terry moved the previous question, which was sustained.

The question then was, shall the main question be now put; which was determined in the affirmative. Yeas 18—Nays 12.

Those who voted in the affirmative are, messrs President, Address, Baylor, Clarke, Dent, Foster, Hudson, Hunter, McClanahan, McConnell, McVay, Ross, Rodgers, Toulmin, Turner, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are, messrs Alston, Brindley, Creagh, Hall, Jones, King, Lea, Oliver, Phillips, Reese, Thornton and Watrous.

The main question was, shall the bill pass; which was determined in the affirmative. Yeas 18—Nays 13.

Those who voted in the affirmative are, messrs President, Address, Baylor, Brindley, Hudson, Hunter, Lea, McClanahan, McVay, Oliver, Phillips, Ross, Thornton, Toulmin, Turner, Watrous, Wilson of F. and Wilson of J.

Those who voted in the negative are, messrs Alston, Buford, Clarke, Creagh, Dent, Foster, Hall, Jones, King, McConnell, Reese, Rodgers and Womack.

Ordered, that the title be as aforesaid.

A bill to be entitled an act to amend the charter of the branch of the bank of the State of Alabama at mobile, and better to secure the collection of the bad, doubtful and suspended debts due the same, being on its third reading.

On motion of Mr Toulmin, the 1st, 2d and 4th blanks in said bill, was ordered to be filled, each with the word "July," and the 3d with "six," the 5th with "thirty," and the 6th with "November."

Mr Toulmin moved to fill the 7th blank with \$2,500; which was lost. Yeas 14—Nays 15.

Those who voted in the affirmative are, messrs President, Clarke, Creagh, Dent, Hall, Hudson, Jones, Lea, McConnell, Phillips, Thornton, Toulmin and Turner.

Those who voted in the negative are, messrs Alston, Address, Brindley, Foster, Hunter, King, McAllister, McClanahan, McVay, Oliver, Rodgers, Watrous, Wilson of F., Wilson of J. and Womack.

Mr McConnell moved to fill the blank with \$2,250; which was lost. Yeas 14—Nays 16.

Those who voted in the affirmative are, messrs President, Baylor, Clarke, Creagh, Dent, Hall, Hudson, Jones, Lea, McConnell, Ross, Thornton, Toulmin and Turner.

Those who voted in the negative are, messrs Alston, Address, Brindley, Foster, Hunter, King, McAllister, McClanahan, McVay, Oliver, Phillips, Rodgers, Watrous, Wilson of F., Wilson of J. and Womack.

Mr Address moved to fill the blank with ten thousand; which was carried.

Mr Toulmin moved to fill the 8th blank in said bill, with the word "eight;" which was lost.

Mr King moved to fill with "six."

Mr Address with "seven;" which was carried. Yeas 18—Nays 13.

Those who voted in the affirmative are, messrs President, Address, Baylor, Brindley, Dent, Foster, Hall, Hudson, Hunter, Jones, McConnell, McVay, Phillips, Thornton, Toulmin, Turner, Watrous and Wilson of F.

Those who voted in the negative are, messrs Alston, Buford, Clarke, Creagh, King, Lea, McAllister, McClanahan, Oliver, Ross, Rodgers, Wilson of J. and Womack.

Mr Creagh offered an amendment by way of engrossed ryder.

Mr President declared the same to be out of order, because in the words following, to wit;

"Provided further, that the commissioners shall submit the result of any settlement to the President and Directors who shall approve of the settlement before it shall be final."

In the opinion of the chair, the amendment was inconsistent with the body of the bill. Mr Dent being in the chair.

From which decision Mr Creagh took an appeal to the Senate.

The question then was, shall the decision of the chair remain as the sense of this Senate; which was determined in the affirmative. Yeas 21—Nays 10.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Foster, Hall, Hunter, Jones, Lea, McAllister, McConnell, McVay, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs Alston, Address. Buford, Creagh, King, McClanahan, Oliver, Watrous, Wilson of F. and Womack.

On motion of Mr Toulmin, the 9th blank in said bill was ordered to be filled with "\$100,000;" the 10th with "\$30,000," and the 11th with "\$16,000."

Mr Buford proposed an amendment, which the chair decided to be out of order.

The previous question having been called and sustained upon this bill on its second reading.

From which decision Mr Jones took an appeal to the Senate.

The question then was, shall the decision of the chair remain as the sense of this Senate; which was determined in the negative. Yeas 8—Nays 21.

Those who voted in the affirmative are, messrs Clarke, Hall, Hunter, Phillips, Thornton, Toulmin, Turner and Womack.

Those who voted in the negative are, messrs Alston, Address, Baylor, Buford, Creagh, Dent, Foster, Hudson, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Ross, Rodgers, Watrous, Wilson of F. and Wilson of J.

Mr Buford's amendment being read, the chair decided that it was inconsistent with the provisions of the bill, and therefore out of order.

From this decision Mr Buford took an appeal to the Senate.

The question then was, shall the decision of the chair remain as the sense of this Senate; which was determined in the affirmative.

The question recurred again on the passage of the bill; which was carried. Yeas 19—Nays 12.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Dent, Hall, Hudson, Hunter, Lea, McAllister, McConnell, McVay, Phillips, Ross, Thornton, Toulmin, Turner, Watrous and Wilson of F.

Those who voted in the negative are, messrs Alston, Address, Buford, Creagh, Foster, Jones, King, McClanahan, Oliver, Rodgers, Wilson of J. and Womack.

A message was received from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have passed a bill for the regulation of the President and Directors of the State Bank and its several branches; in which they respectfully ask the concurrence of the Senate.

On motion of Mr King, the Senate then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Dec. 22, 1841.

The Senate met pursuant to adjournment.

On motion of Mr Hudson, the amendment offered on yesterday by Mr Creagh to the bill to place in liquidation the affairs of the branch of the bank of Alabama at mobile, and which at the time was considered by the Senate to be out of order, was ordered to be placed upon the journal, in its proper connexion with the proceedings had on said bill.

Mr Andress moved to place upon the journal an amendment offered by Mr Buford to the same bill, (and which had likewise been determined out of order,) upon the journals; which was lost.

Mr Hudson, from the committee on accounts and claims, to whom was referred the bill to be entitled an act to compensate Robert Fenner and others, and for other purposes, reported the same back to the Senate with sundry amendments as therein shewn, and recommended its passage.

The amendments of the committee were concurred in by the Senate.

The question then was, shall the bill be ordered to be engrossed for a third reading; which was determined in the affirmative. Yeas 18—Nays 11.

Those who voted in the affirmative are, messrs President, Andress, Baylor, Brindley, Buford, Clarke, Creagh, Hall, Hudson, Hunter, McAllister, McVay, Rodgers, Thornton, Toulmin, Turner and Womack.

Those who voted in the negative are, messrs Dent, Foster, King, Lea, McClanahan, McConnell, Phillips, Reese, Ross, Wilson of F. and Wilson of J.

A message from his Excellency the Governor by Mr Harrison.

Mr President: His Excellency the Governor, did, on yesterday, approve and sign a bill of the following title:

An act to enable the joint examining committee more efficiently to investigate bank frauds; which originated in the Senate.

Mr Ross, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled bills of the following titles, to wit:

An act to compel the judges of the county courts of the counties of Franklin and Wilcox, to reside at or within three miles of the court house.

An act to designate the line between the 15th and 18th regiment of Alabama militia in the county of Jefferson.

An act to amend an act therein named, and for other purposes; and

An act to establish an additional board of physicians in the town of Florence.

Mr McClanahan, from the committee on military affairs, to whom was referred a bill to be entitled an act to reduce the number of company musters, reported that in the opinion of the committee, said bill ought not to pass; in which the Senate concurred.

Mr Turner from the committee on roads, bridges and ferries, to whom had been referred a bill from the House of Representatives to allow Edwin Robinson to erect a gate or gates across a road therein designated, reported the same back to the Senate amended by striking out the word "said," where it occurs at the end of tenth line in said bill, and recommended its passage.

The report of the committee was concurred in, and the constitutional rule being suspended, the bill was read a third time and passed.

Ordered, that the title be as aforesaid.

A message was received from his Excellency the Governor by Mr Harrison.

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EXECUTIVE DEPARTMENT. }
TUSKALOOSA, Dec. 21, 1841. }

MR PRESIDENT,

SIR:—I have the honor to enclose to you the annual report of the board of trustees of the University of Alabama, and request that you will lay the same before the Senate.

Signed,

BEN. FITZPATRICK.

On motion of Mr Creagh, the communication was referred to the committee on education.

Mr McAllister, from the select committee to whom had been referred a bill from the House of Representatives, entitled an act to create a certain county therein named, reported the same back to the Senate, amended as therein shewn, and recommended its passage,

The report of the committee was concurred in, and the bill ordered to a third reading.

A message from the House of Representatives by Mr Cooke.

Mr President:—The House of Representatives have passed a bill for the regulation of the elections of the President and directors of the State bank and its several branches, in which they respectfully ask the concurrence of the Senate.

A bill from the House of Representatives to be entitled an act better to regulate the elections of president and directors of the State bank and branches, were read a first time.

Mr Dent moved to suspend the constitutional rule for the purpose of giving the bill a second reading forthwith, which was carried.—Yeas 27, Nays 4.

Those who voted in the affirmative are messrs President, Andress, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hall, Hunter, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Watrous, Wilson of F. and Womack.

Those who voted in the negative are, messrs Alston, Hudson, Rodgers and Wilson of J.

The bill was read a second time.

Mr Wilson of F., moved to amend the bill by three additional sections.

Mr Hall called for the previous question.

The question then was, shall the main question be now put, which was determined in the negative.—Yeas 14, Nays 18.

Those who voted in the affirmative are, messrs Brindley, Buford, Clarke, Hall, Hunter, King, McAllister, McConnell, McVay, Oliver, Reese, Ross, Turner, and Womack.

Those who voted in the affirmative are, messrs President, Alston, Andress, Baylor, Creagh, Dent, Foster, Hudson, Jones, Lea, McClanahan, Phillips, Rodgers, Thornton, Toulmin, Watrous, Wilson of F. and Wilson of J.

Mr Jones moved to refer the bill and amendment to the committee on the State bank, which was lost.—Yeas 2, Nays 29.

Those who voted in the affirmative are, messrs Jones, and Lea.

Those who voted in the negative are, messrs President, Alston, Andress, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, King, McAllister, McClanahan, McVay, Oliver, Phillips, Reese, Ross,

Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of F., Wilson of J. and Womack.

Mr Hall moved to strike out the 1st and 3d sections of the amendment, which was lost.—Yeas 8, Nays 23.

Those who voted in the affirmative are, messrs Address, Buford, Clarke, Hall, King, Oliver, Turner and Watrous.

Those who voted in the negative are, messrs President, Alston, Baylor, Brindley, Creagh, Dent, Foster, Hudson, Hunter, Jones, Lea, McAllister, McClanahan, McVay, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Wilson of F., Wilson of J. and Womack.

Mr Turner moved the indefinite postponement of the amendment.

Mr Hudson moved to postpone the bill and amendment indefinitely, which was lost.—Yeas 10, Nays 22.

Those who voted in the affirmative are, messrs President, Creagh, Dent, Hudson, Hunter, Jones, Lea, McClanahan, Rodgers and Thornton.

Those who voted in the negative are, messrs Alston, Address, Baylor, Brindley, Buford, Clarke, Foster, Hall, King, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Ross, Toulmin, Turner, Watrous, Wilson of F., Wilson of J. and Womack.

The question then recurred upon the adoption of the amendment, which was carried.—Yeas 18, Nays 14.

Those who voted in the affirmative are, messrs President, Alston, Baylor, Brindley, Buford, Creagh, Dent, Foster, Hudson, Hunter, Jones, Lea, McVay, Phillips, Reese, Rodgers, Thornton and Wilson of F.

Those who voted in the negative are, messrs Address, Clarke, Hall, King, McAllister, McClanahan, McConnell, Oliver, Ross, Toulmin, Turner, Watrous, Wilson of J. and Womack.

Mr Turner offered the following amendment, to wit:

"And be it further enacted that the member nominating an individual for president or director, shall be required to state whether or not he himself is under protest in the bank of the State or any of its branches, or any other, in or out of this State," which was lost.—Yeas 19, Nays 12.

Those who voted in the affirmative are, messrs President, Alston, Baylor, Brindley, Creagh, Dent, Foster, Hudson, Hunter, Jones, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Rodgers, Thornton and Toulmin.

Those who voted in the negative are, messrs Address, Clarke, Hall, King, Phillips, Reese, Ross, Turner, Watrous, Wilson of F., Wilson of J. and Womack.

Mr Jones offered the following amendment, to wit:

"And be it further enacted, that the member so nominating shall be requested to state, whether the candidate will consult the interest of the State and of the banks, more than his own individual interest, and that of his friends; and also how much his friends owe the bank; and what is the character of his friends for veracity, solvency, and punctuality; and also whether any of his family connexion have run away and gone to Texas; and whether he, the said candidate, has ever told a lie, cheated or defrauded any one."

—On motion of Mr Alston, the amendment was indefinitely postponed. Yeas 25—Nays 7.

Those who voted in the affirmative are messrs Alston, Address, Baylor, Brindley, Buford, Clarke, Foster, Hall, Hudson, King, McAllister, McClanahan,

han, McConnell, McVay, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Watrous, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are, messrs President, Creagh, Dent, Hunter, Jones, Lea and Rodgers.

Mr Wilson of F., offered the following, as a further amendment, to wit:

And be it further enacted, that no man who shall not be vouched for under the provisions of this act, shall be eligible for President or Director for the State bank, or either of its branches; which was rejected. Yeas 12—Nays 19.

Those who voted in the affirmative are messrs President, Alston, Creagh, Dent, Hudson, Hunter, Jones, Lea, Rodgers, Thornton, Wilson, of F., and Wilson of J.

Those who voted in the negative are, messrs Address, Baylor, Buford, Clarke, Foster, Hall, King, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Ross, Toulmin, Watrous, and Womack.

Mr Rodgers offered the following amendment, to wit: "And whether he is in favor of the State bank system in preference to a United States bank or stock banks; which was also rejected. Yeas 13—Nays 19.

Those who voted in the affirmative are, messrs President, Brindley, Clarke, Creagh, Dent, Hudson, Hunter, Jones, Lea, McClanahan, Rodgers, Thornton and Toulmin.

Those who voted in the negative are, messrs Alston, Address, Baylor, Buford, Foster, Hall, King, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Ross, Turner, Watrous, Wilson of F., Wilson of J., and Womack.

Mr Wilson of J., offered the following amendment, to wit:

And be it further enacted, that the only question which shall be asked, "is he honest—is he competent."

Mr Phillips moved to refer the bill and amendment to a select committee with instructions to strike from the bill all amendments made by the Senate.

Mr Hudson called for a division of the question; which was first taken on referring without instructions, and carried. Yeas 17—Nays 15.

Those who voted in the affirmative are, messrs Address, Brindley, Buford, Clarke, Hall, Hudson, King, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Ross, Turner and Watrous.

Those who voted in the negative are messrs President, Alston, Baylor, Creagh, Dent, Foster, Hunter, Jones, Lea, Rodgers, Thornton, Toulmin, Wilson of J., and Womack.

The question was next taken on instructing the committee; which was lost. Yeas 13—Nays 18.

Those who voted in the affirmative, are messrs Address, Buford, Clarke, Hall, King, McAllister, Oliver, Phillips, Reese, Ross, Turner, Watrous and Womack.

Those who voted in the negative are, messrs President, Alston, Baylor, Creagh, Dent, Foster, Hudson, Hunter, Jones, Lea, McClanahan, McConnell, McVay, Rodgers, Thornton, Toulmin, Wilson of F., and Wilson of J.

Mr King then moved to reconsider the vote just taken upon referring the bill and amendments to a select committee; which was carried. Yeas 20—Nays 12.

Those who voted in the affirmative are, messrs Alston, Address, Baylor, Buford, Clarke, Foster, Hall, King, McAllister, McConnell, McVay, Oliver,

Phillips, Reese, Ross, Turnur, Watrous, Wilson of F., Wilson of J., and Womack.

Those who voted in the negative are, messrs President, Brindley, Creagh, Dent, Hudson, Hunter, Jones, Lea, McClanahan, Rodgers, Thornton and Toulmin.

The motion to refer, being withdrawn, the question recurred upon the adoption of the amendment of Mr Wilson of J.; which was lost. Yeas 7—Nays 24.

Those who voted in the affirmative are, messrs Creagh, Hudson, Hunter, Lea, Rodgers, Thornton, and Wilson of J.

Those who voted in the negative are, messrs President, Alston, Address, Baylor, Brindley, Buford, Clarke, Dent, Foster, Hall, Jones, King, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Ross, Turner, Watrous, Wilson of F., and Womack.

Mr Dent moved to suspend the constitutional rule, for the purpose of giving the bill a third reading forthwith; which was carried. Yeas 18—Nays 14.

Those who voted in the affirmative are, messrs Alston, Address, Buford, Clarke, Dent, Foster, Hall, King, McAllister, McConnell, McVay, Oliver, Reese, Rodgers, Thornton, Turner, Wilson of F., and Womack.

Those who voted in the negative are, messrs President, Baylor, Brindley, Creagh, Hudson, Hunter, Jones, Lea, McClanahan, Phillips, Ross, Toulmin, Watrous and Wilson of J.

The question recurred again upon ordering the bill to a a third reading; which was carried. Yeas 23—Nays 9.

Those who voted in the affirmative are, messrs Alston, Address, Baylor, Brindley, Buford, Clarke, Foster, Hall, King, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Ross, Toulmin, Turner, Watrous, Wilson of F. and Wilson of J. and Womack.

Those who voted in the negative are, messrs President, Creagh, Dent, Hudson, Hunter, Jones, Lea, Rodgers and Thornton.

A message was received from the House of Representatives, by Mr Tunstall:

Mr President,—The House of Representatives have passed bills of the following titles, which originated in the Senate:

An act in relation to certain school lands in Talladega, purchased by F. Hall and R. R. Chilton, and have amended the same as therein shewn.

An act to establish a board of physicians in the town of Jacksonville.

An act for the relief of Haley G. Jenkins and David Covington.

An act compensating losses occasioned by pressing a horse in the Creek service.

An act to prevent frauds in elections; and have amended the same as therein shewn.

An act to incorporate the Magnolia male and female Academy in the county of Marengo.

An act to amend an act passed 7th day of January 1841, entitled an act for the promotion of the health and convenience of the city of Mobile, by the introduction into said city of a supply of wholesome water, to be used for domestic purposes and for extinguishment of fires.

Also, joint resolutions of the General Assembly of the State of Alabama, concerning purchasers of 16th sections, and have amended the same as therein shewn, in which they ask the concurrence of your honorable body.

On motion of Mr Hudson, the message was ordered to lie upon the table. Yeas 18—Nays 14.

Those who voted in the affirmative are, messrs President, Alston, Andress, Brindley, Clarke, Dent, Foster, Hudson, King, McClanahan, McConnell, Ross, Rodgers, Thornton, Watrous, Wilson of F., Wilson of J., and Womack.

Those who voted in the negative are, messrs Baylor, Buford, Creagh, Hall, Hunter, Jones, Lea, McAllister, McVay, Oliver, Phillips, Reese, Toulmin, and Turner.

Mr Ross from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled bills of the following titles, to wit:

An act in relation to the 16th section of township 10, of range 5: Also 16th section, township 11, of range 11, in the county of Wilcox: Also

Joint resolution in relation to purchaser of 16th section, township 4, range 5, west, in the county of Limestone.

The following message was received from the House of Representatives, by Mr Tunstall:

Mr President,—The House of Representatives have passed bills of the following titles, which originated in the House of Representatives, to wit:

An act for the relief of the commissioners of section 16, in township 22, range 25, in Chambers county and for other purposes.

An act to make county claims receiveable in payment of county taxes in Dale county.

An act granting certain privileges to Alexander Findley, in DeKalb county.

An act to divorce Philip Voglin from his wife, Mary Voglin.

An act to divorce John Farley from his wife, Mary Farley.

An act to divorce Martha Ann Bill from her husband, John D. Bill.

An act regulating the practice of dental surgery, and for other purposes.

An act to incorporate the Lafayette Artillery.

An act to authorise the sale of property at the town of Fairfield, in Pickens county; and also, at Greensborough, in the county of Greene.

An act to amend an act entitled an act regulating punishments under the penitentiary system, approved January 6th 1841, and

An act authorising Benajah King, to erect a toll bridge, over big mulberry creek,

In all of which, they respectfully ask the concurrence of your honorable body.

On motion of Mr Hudson, the message and accompanying bills were ordered to lie upon the table. Yeas 19—Nays 13.

Those who voted in the affirmative are, messrs President, Alston, Andress, Brindley, Clarke, Dent, Foster, Hudson, King, McClanahan, McConnell, Reese, Ross, Rodgers, Thornton, Watrous, Wilson of F., Wilson of J., and Womack.

Those who voted in the negative are, messrs Baylor, Buford, Creagh, Hall, Hunter, Jones, Lea, McAllister, McVay, Oliver, Phillips, Toulmin and Turner.

Mr King moved to take from the table a bill to be entitled an act to provide for holding the circuit courts of certain counties; which was carried.

On motion of Mr King, the bill was referred to a select committee; whereupon messrs King, Watrous and Hall, were appointed said committee.

Mr Watrous moved to reconsider the vote taken on yesterday, on the passage of a bill to be entitled an act to reduce the fees of certain officers therein named.

On motion of Mr Hudson, the motion to reconsider was postponed until tomorrow.

On motion of Mr Hudson the Senate then adjourned until this evening; half after 3 o'clock.

EVENING SESSION, Dec. 22, 1841.

The Senate met pursuant to adjournment.

Mr Baylor offered the following resolution: Resolved, that the House of Representatives be requested to return to the Senate a bill to be entitled an act to reduce the fees of certain officers therein named; which was rejected.

The Senate then took up the special order of the day, which was a bill to be entitled an act to wind up the branch of the bank of the State of Alabama at Decatur.

Mr Wilson of J., moved to refer the bill to the committee on the State bank; which was carried. Yeas 12—Nays 11.

Those who voted in the affirmative are, messrs President, Baylor, Clarke, Creagh, Hudson, Lea, McAllister, McClanahan, Rodgers, Toulmin, Turner Wilson of J.

Those who voted in the negative are, messrs Buford, Foster, Hall, Hunter, Jones, King, Oliver, Phillips, Ross, Thornton and Wilson of F.

The Senate then proceeded to the consideration of the daily orders.

A bill from the House of Representatives, to vest in Ann Jones, wife of Lewis M. Jones, certain rights and privileges, therein named, and for other purposes; was read a third time and passed. Yeas 18—Nays 7.

Those who voted in the affirmative are, messrs Baylor, Buford, Clarke, Dent, Foster, Hall, Hunter, Jones, King, Lea, McAllister, Oliver, Phillips, Ross, Thornton, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs President, Creagh, Hudson, McClanahan, Reese, Rodgers and Wilson of F.

Ordered, that the title be as aforesaid.

A bill from the House of Representatives, to be entitled an act to change the time of holding the county court of Tallapoosa county; was read a third time and passed.

Ordered, that the title be as aforesaid.

Mr Ross from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, bills of the following titles, to wit:

An act to divorce Nancy P. Morrow from her husband James Morrow.

An act to amend an act therein named, and

An act in relation to causeways in the county of Wilcox.

On motion of Mr Lea, the orders of the day were suspended.

Mr Lea then moved to take from the table and place among the orders of the day, a joint memorial of the Senate and House of Representatives as to the distributive portion of the public lands; which was carried,

The Senate then resumed the consideration of the orders of the day.

A bill from the House of Representatives, to declare the Noxubee river a navigable stream; was read a third time and passed.

On motion of Mr Lea, the caption of the bill was amended by striking out navigable stream, and inserting in lieu thereof 'public highway.'

A bill from the House of Representatives, to be entitled an act to incorporate the Tallapoosa manufacturing company, was read a second time.

Mr Baylor offered the following amendment, to wit: strike out of the proviso, in the 4th section, the words "provided no stock-holder shall be held liable in law or equity for more than the amount of his, her or their stock individually;" as proviso to the 10th section insert, "provided such by-laws, rules and ordinances shall not conflict with the constitution of the State of Alabama, or with any law now in existence, or which may hereafter be passed;" strike out the entire proviso in the 11th section; insert after the 13th section, the following: "And be it further enacted, that the said corporation shall continue and have being for, and during the space of twenty-one years from and after the passage of this act: provided, the legislature does not alter, repeal or modify the same, which power is hereby expressly reserved.

And be it further enacted, that whenever any judgment at law, or decree in chancery shall have been obtained against the aforesaid corporation and an execution founded thereon shall have been returned nulla bona, then and in that case the said judgment or decree in chancery shall be deemed and held in law, as having been rendered against each and every of the corporators to said corporation or their assignees, who shall be respectively and individually liable for the full payment and satisfaction of such judgment or decree, and an execution or executions may issue accordingly. Provided, that whenever it may become necessary to resort to the individual property of the corporators, in satisfaction of any judgment or decree, the execution shall be first levied on the individual property of the President and trustees of said corporation."

Mr Lea moved to amend the amendment by striking out the last section thereof.

Mr Hudson moved the reference of the bill and amendment to the judiciary committee; which was lost.

The question then recurred on the motion of Mr Lea to strike out; which prevailed. Yeas 22—Nays 9.

Those who voted in the affirmative are, messrs Alston, Andress, Brindley, Buford, Dent, Hall, Hudson, Hunter, Jones, King, Lea, McAllister, McConnell, Oliver, Phillips, Ross, Thornton, Toulmin, Turner, Watrous, Wilson of J., and Womack.

Those who voted in the negative are messrs President, Baylor, Clarke, Creagh, Foster, McClanahan, Reese, Rodgers and Wilson of F.

The question then recurred again upon the adoption of the amendment as amended; which was carried.

Mr Creagh moved further to amend, by an additional section, in the following words; "the said corporators shall report the situation of the said establishment annually to the Legislature. They shall keep all the property belonging to the said company covered by insurance or forfeit the right to this act of incorporation.

Mr Lea called for a division of the question on the adoption of the amend-

ment, which was first taken upon the first proposition, requiring the company to report to the legislature; and carried.

Next on that portion requiring the company to cover their property with insurance, and lost. Yeas 9—Nays 22.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Creagh, Hudson, Reese, Turner, Wilson of F., and Wilson of J.

Those who voted in the negative are, messrs Alston, Address, Buford, Clarke, Dent, Foster, Hall, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Watrous and Womack.

The question recurred again on ordering the bill to a third reading; which was carried. Yeas 25—Nays 5.

Those who voted in the affirmative are, messrs President, Alston, Address, Brindley, Buford, Clarke, Dent, Foster, Hall, Hudson, Hunter, Jones, King, Lea, Allister, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous and Womack.

Those who voted in the negative are, messrs Baylor, Creagh, McClanahan, Wilson of F., and Wilson of J.

A bill to be entitled an act to define, prevent and punish bank frauds, was read a second time and ordered to be engrossed for a third reading.

A bill to be entitled an act for the relief of Elisha Dodson, was read a second time, and on motion of Mr Hudson, referred to the judiciary committee.

A bill to be entitled an act to appropriate in part, the 2 per cent fund; was read a second time.

Mr Baylor offered the following amendment to the 5th section, to-wit:

“With the further condition, that the said rail road shall be completed and put in full operation within —— years from and after the passage of this act.”

Mr Dent moved to indefinitely postpone the bill and amendment.

Mr Hudson to postpone until Friday next, 11 o'clock, and make it the special order of the day; which was carried.

Mr Ross, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled,

An act for the relief of Haley G. Jenkins and David Covington; and

An act compensating losses occasioned by pressing a horse into the Creek service.

On motion of Mr Wilson of F., the Senate then adjourned until to-morrow 10 o'clock.

THURSDAY, Dec. 23, 1841.

The Senate met pursuant to adjournment.

Mr Turner presented the account of S. D. Cabiness, the reading of which was dispensed with, and on motion, referred to the committee on accounts and claims.

Mr Hall presented the account of Bolen Smith, which was referred to the committee on accounts and claims.

Mr Thornton, from the committee on the judiciary, to whom had been referred a bill to be entitled an act to set apart and fix permanently the time for the trial of all offences against the state in the county of Wilcox; as also, a resolution submitting so much of the Governor's message as relates to the digesting the laws of the State; and a resolution instructing the committee to enquire into the expediency of reducing the fees of registers in chancery; and

also the account of Hogan & Lyon, against the State, reported, that each of the matters thus referred, had been acted upon by the Senate; a discharge from their further consideration, therefore, was respectfully asked; which was granted.

Mr Thornton, from the same committee, to whom had been referred a bill to reduce into one act the duties of assessors and tax collectors, reported the same back to the Senate.

On motion of Mr Lea, the bill and report was ordered to lie upon the table.

Mr Toulmin, from the committee on the State Bank, to whom had been referred a resolution, instructing them to inquire into the expediency of changing the State bank system, so as to put the branch banks under the control of the mother bank, &c.; and also the propriety of electing the president and directors of the branch banks by the president and directors of the mother bank, reported that it was inexpedient to legislate on the first branch of the resolution, and submitted a bill in conformity with the 2d clause thereof.

On motion of Mr Hudson, so much of the report as related to the first proposition contained in the resolution referred, was ordered to lie upon the table.

The bill was then read and ordered to a 2d reading.

Mr Toulmin from the committee on the State bank, to whom had been referred joint resolutions touching the Banks of the State of Alabama, reported the same back to the Senate, and asked to be discharged from the further consideration thereof, in which the Senate concurred.

Mr Toulmin from the same committee, to whom had been referred a resolution instructing them to enquire, why it was that the State bank and the branch banks at Huntsville, Decatur and Montgomery, transacted their business in the Bank of Mobile, instead of the branch bank of the State at Mobile, reported the several communications received on that subject, and also a bill to be entitled an act to compel the bank of the state of Alabama, and the branch banks at Huntsville, Decatur and Montgomery, to keep their accounts with the branch bank at Mobile; which was read and ordered to a 2d reading.

A message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have passed the following bills which originated in the Senate.

An act in relation to prairie roads in the counties of Montgomery and Lowndes, and have amended the same as therein shewn.

An act to confirm the will of Martin Kirby, late of Mobile county, dec.

An act to establish a road court in the county of Mobile.

An act to change the mode of assessing and collecting the taxes of Jackson county; and

Also, the following resolution:

RESOLVED, that with the concurrence of the Senate, the two Houses will proceed to the election of a Comptroller of public accounts, State Treasurer, State Printer, and a Board of Physicians for the town of Florence, on Thursday the 23d inst. at 4 o'clock, P. M.; in which they ask the concurrence of your honorable body.

Mr Toulmin, from the State bank committee, to whom had been referred a bill to be entitled an act to place in liquidation the branch bank of the State of Alabama at Mobile, reported the same back to the Senate as inexpedient, inasmuch as a bill was now in progress, placing said bank in a partial state of liquidation.

On motion of Mr Lea, the report and bill were ordered to lie upon the table. Yeas 18—Nays 13.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Thornton, Toulmin, Turner and Womack.

Those who voted in the negative are, messrs Alston, Address, Buford, Dent, Hunter, King, Phillips, Reese, Ross, Rodgers, Watrous, Wilson of F. and Wilson of J.,

Mr Dent moved to take up so much of the message from the House as relates to the election of certain officers therein named, which was lost. Yeas 15—Nays 16.

Those who voted in the affirmative are messrs President, Address, Brindley, Buford, Clarke, Dent, Hall, Hunter, Lea, McConnell, Oliver, Rodgers, Watrous, Wilson of F. and Womack.

Those who voted in the negative are messrs Alston, Creagh, Foster, Hudson, Jones, King, McAllister, McClanahan, McVay, Phillips, Reese, Ross, Thornton, Toulmin, Turner, and Wilson of J.

Mr Baylor, in behalf of the joint examining committee on the subject of bank frauds, asked leave for the committee to sit during the session of the Senate; which was granted.

McConnell introduced a bill to be entitled an act to reduce the pay of public printers; which was read a first and second time.

Mr McConnell moved further to suspend the constitutional rule, for the purpose of giving the bill a third reading forthwith; which was lost.

Mr Hudson moved to refer the bill to the committee on State printing; which was lost.

Mr Terry moved to strike out twenty-five, where it occurs before the word per cent.; which was lost. Yeas 10. Nays 19.

Those who voted in the affirmative are, messrs President, Brindley, Creagh, Foster, Hudson, Jones, McClanahan, Rodgers, Thornton and Toulmin.

Those who voted in the negative are messrs Alston, Address, Clarke, Dent, Hall, Hunter, King, Lea, McAllister, McConnell, McVay, Oliver, Phillips, Ross, Turner, Watrous, Wilson of F., Wilson of J., and Womack.

Mr Terry moved to amend by striking out the word "five," before "per cent," which was lost.—Yeas 15, Nays 15.

Those who voted in the affirmative are, messrs President, Brindley, Buford, Clarke, Creagh, Foster, Hall, Hudson, Jones, McAllister, McClanahan, Rodgers, Thornton, Toulmin and Wilson of J.

Those who voted in the negative are, messrs Alston, Address, Dent, Hunter, King, Lea, McConnell, McVay, Oliver, Phillips, Ross, Turner, Watrous, Wilson of F. and Womack.

Mr King offered the following amendment, to come in after the words "per cent."

"And that the same shall be let out to the lowest responsible bidder, by the Secretary of State, under such regulations as the Secretary may deem proper: Provided, that if the public printing be not taken at prices less than 25 per cent. on the established prices, that the Secretary shall contract with some responsible person to do the public printing at the price hereby established.

Mr Wilson, of F. called for the previous question ; which call was sustained.

The question then was, shall the main question be now put ; which was determined in the affirmative. Yeas 22. Nays 9.

Those who voted in the affirmative are, messrs President, Baylor, Brindley, Clarke, Dent, Hall, Hudson, Hunter, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Reese, Ross, Rodgers, Toulmin, Turner, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are, messrs Alston, Address, Buford, Creagh, Foster, Jones, King, Phillips, and Watrous.

The main question was on ordering the bill to be engrossed for a third reading; which was carried. Yeas 23. Nays 7.

Those who voted in the affirmative are, messrs Alston, Address, Brindley, Buford, Clarke, Dent, Hall, Hunter, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Turner, Watrous, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are, messrs President, Baylor, Creagh, Foster, Hudson, Jones, and Toulmin.

Mr Buford introduced a bill to be entitled an act authorising a special term of the chancery court for the 2d district of the southern division at Clayton ; which was read three several times, (the constitutional rule being suspended) and passed.

Ordered, that the title be as aforesaid.

Mr. President laid before the Senate the annual abstract report of the Adjutant and Inspector General of the State.

Which, on motion of Mr Hudson, was referred to the committee on military affairs.

Mr Jones introduced a bill to be entitled an act for the relief of Joshua Stramberger, of Sumter county ; which was read a first and second time.

Mr Jones moved further to suspend the constitutional rule, for the purpose of giving the bill a third reading forthwith.

Mr Brindley moved to lay the bill upon the table ; which was lost.

The question then recurred upon Mr Jones's motion to suspend; which was lost. Recurred again upon ordering the bill to be engrossed for a third reading, which was carried.

Mr King, from the select committee to whom had been referred a bill to be entitled an act to provide for holding certain courts therein named, reported the same back to the Senate, and recommended its passage.

The bill was placed among the orders of the day.

On motion of Mr Rodgers the Senate then adjourned until half past three o'clock, this day.

EVENING SESSION, Dec. 23d, 1841.

The Senate met pursuant to adjournment.

Mr Toulmin asked leave to withdraw from the Senate, certain communications from the cashiers of the State Bank and branches, in relation to the property purchased by said banks during the year 1841 ; which was granted.

Mr Phillips moved to take up so much of a certain message from the House of Representatives, as related to the elections of certain officers: which was carried.

Mr Turner moved to strike out so much of the resolution of the House as related to the election of State printer.

Mr Hudson moved to strike out all except Comptroller of Public Accounts and State Treasurer; which was carried.

Mr Phillips moved to lay the resolution on the table, which was lost.

Mr Hudson then moved to concur in so much of the resolution as related to the election of Comptroller and Treasurer; which was carried.

Mr Dent moved to take from the message from the House, a bill in relation to 16th sections; which was lost.

Mr Jones moved to take up message No. 1, from the House; which was lost.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed bill to be entitled an act to compensate Robert Fenner and others, and for other purposes, was read a third time.

On motion of Mr Hudson, the bill was referred to a select committee, with instructions to amend the bill, so as to require payment to be made to said Fenner and others, for their services in winding up the Courtland land office, out of the Tennessee canal fund.

Mr Ross, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, bills of the following titles; to wit:

An act to confirm the will of Martin Kirby, late of Mobile county, deceased.

An act to establish a board of physicians in the town of Jacksonville.

An act to establish a road court in the county of Mobile.

A message was received from the House of Representatives by Mr Tunstall.

Mr President: The House of Representatives have passed bills of the following titles, to wit:

An act to distribute the sixth census of the United States.

An act to extend the next term of the circuit court of Greene county, to eighteen judicial days.

An act to appoint public weighers in the town of Wetumpka.

An act to extend the charter of a turnpike road therein named.

An act for the payment of the claims of Hugh P. Coffee, and others.

An act for the relief of Robert Williamson.

All of which originated in the House of Representatives, and in which the concurrence of your honorable body is respectfully asked.

Further message from the House by Mr Tunstall.

Mr President: The House of Representatives have passed bills and joint resolutions of the following titles, which originated in the House of Representatives, to wit:

An act to alter the mode of assessing and collecting the taxes of the county of Fayette, and for other purposes.

An act to pay to the heirs of Leah Fraeclik, a certain sum therein named.

An act to authorise the commissioners in township No. 19, in Talladega county, to do acts therein named.

An act to divorce Simeon Wheeler from Catharine Wheeler.

An act to authorise the appointment of overseers to work a certain road therein named.

An act for the relief of the tax collector of Macon county.

An act for the payment of certain claims against the State.

A joint resolution of the legislature of the State of Alabama to the Congress of the United States.

In all of which they most respectfully ask the concurrence of the Senate.

Message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have passed the following bills, which originated in the House of Representatives, to wit:

An act to confirm the emancipation of certain persons therein named.

An act to abolish brigade encampment drills in the 13th brigade and 5th division.

An act to divorce Eliza Biggs from her husband Hugh H. Biggs.

An act to change the time of holding the county court of Lawrence county.

An act to divorce Kenion J. W. Gaylord from his wife Mary Ann Gaylord.

An act to alter the mode of electing the assessor and tax collector for Montgomery county.

An act to levy a special tax for the county of Lauderdale.

An act to incorporate the Florence Lyceum.

An act to provide for the more effectual organization of the 24th regiment of Alabama militia.

In all of which they respectfully ask the concurrence of your honorable body.

A bill to be entitled an act to prevent, define and remedy bank frauds, being on its third reading.

Mr Buford moved to postpone the further consideration thereof until Monday next 11 o'clock, and make it the special order of the day; which was lost. Yeas 7—Nays 25.

Those who voted in the affirmative are, messrs Alston, Baylor, Buford, Jones, McAllister, Oliver and Reese.

Those who voted in the negative are, messrs President, Brindley, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, King, Lea, McClanahan, McConnell, McVay, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of F., Wilson of J. and Womack.

Mr Lea proposed a substitute for the bill; which together with the bill, was on his motion referred to a select committee, with instructions to modify the same in such manner as might seem to them most expedient.

Whereupon messrs Lea, Buford and Dent, were appointed said committee.

A bill from the House of Representatives better to regulate the elections of President and Directors of the State Bank and its several branches, was read a third time and passed. Yeas 20—Nays 12.

Those who voted in the affirmative are, messrs Alston, Address. Baylor, Buford, Clarke, Dent, Foster, Hall, King, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Ross, Turner, Watrous, Wilson of F. and Womack.

Those who voted in the negative are, messrs President, Brindley, Creagh, Hudson, Hunter, Jones, Lea, McClanahan, Rodgers, Thornton, Toulmin, and Wilson of J.

On motion of Mr Creagh, the preamble to said bill was stricken out. Yeas 21—Nays 11.

Those who voted in the affirmative are, messrs President, Address. Baylor, Brindley, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones,

Lea, McClanahan, McConnell, Rodgers, Thornton, Toulmin, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are, messrs Alston, Buford, King, McAllister, McVay, Oliver, Phillips, Reese, Ross, Turner and Watrous.

Mr Dent moved a reconsideration of the vote just taken upon the passage of the bill; which was lost. Yeas 10--Nays 22.

Those who voted in the affirmative are, messrs Brindley, Clarke, Dent, Jones, Lea, Phillips, Thornton, Toulmin, Watrous and Wilson of J.

Those who voted in the negative are messrs President, Alston, Andress, Baylor, Buford, Creagh, Foster, Hall, Hudson, Hunter, King, McAllister, McClanahan, McVay, Oliver, Reese, Rodgers, Turner, Wilson of F. and Womack.

Mr Hall moved to strike out the caption of the bill, and insert,

A bill to be entitled an act to define the manner in which the President and Directors of the State bank and branches, shall hereafter be elected.

Mr Wilson of F. moved to add, "and for other purposes;" which was lost.

The question recurred upon Mr Hall's amendment; which was adopted.

Bills from the House of Representatives of the following titles to wit:

An act to create a certain county therein named, and for other purposes; and

An act to incorporate the Tallapoosa manufacturing company, were severally read a third time and passed.

Ordered, that the titles be as aforesaid.

A bill from the House of Representatives to authorise James Bates to erect a toll bridge across Bates' creek, in the county of Washington, was read a second time, and on motion of Mr Creagh, referred to the committee on roads, bridges and ferries.

A bill from the House of Representatives imposing additional duties on the treasurer of Marengo county, was read a second time, and on motion of Mr Alston, referred to a select committee.

Whereupon messrs Alston, Lea and Jones were appointed said committee.

A bill from the House of Representatives to be entitled an act to regulate the compensation of witnesses and jurors in the county of Clarke, was read a second time, and the constitutional rule being suspended, it was read a third time, and on motion of Mr Creagh, referred to a select committee.

Whereupon messrs Creagh, Hudson and Andress, were appointed said committee.

Joint resolutions from the House of Representatives for the survey of the county of Cherokee, and for other purposes, was read a second time, and the constitutional rule being suspended, they were read a third time and passed.

Ordered, that the title be as aforesaid.

A bill to be entitled an act to establish a turnpike at Anglin's bridge, on Pea river, was read a second time, and on motion of Mr Hudson, referred to the committee on roads, bridges and ferries.

Bills from the House of Representatives of the following titles, to wit:

An act to alter and amend the charter of the city of Mobile.

An act to provide for the summoning of grand jurors, to serve at the special criminal terms of the circuit courts of Mobile; and

An act to incorporate the Greensborough female academy, were severally read a second time and ordered to a third reading.

A bill to be entitled an act to alter the second and sixth judicial circuits, was read a second time, and on motion of Mr Buford, ordered to lie upon the table.

A bill from the House of Representatives to authorise the citizens of the town of Greenville, in Butler county, to elect a justice of the peace and constable, was read a second time, and on motion of Mr Watrous, referred to the judiciary committee.

Joint memorial of the Senate and House of Representatives, as to the distributive portion of the public lands, was read a first time.

Mr Lea moved to suspend the constitutional rule for the purpose of giving the memorial a second reading forthwith; which was lost.

Question recurred on ordering it to a second reading; which was carried.

Joint resolutions touching the banks of the State of Alabama, were read a second time, and on motion of Mr Phillips, ordered to lie upon the table.

A bill to be entitled an act to provide for holding the circuit courts of certain counties, was read a second time and ordered to be engrossed for a third reading.

On motion of Mr Phillips, the Senate then adjourned until to-morrow morning 10 o'clock.

FRIDAY, Dec. 24, 1841.

The Senate met pursuant to adjournment.

Mr Toulmin presented the petition of Joseph E. Caro; which was referred to the committee on accounts and claims.

Mr Toulmin, from the committee on the State bank, to whom a preamble and joint resolutions in relation to the State bank and its several branches, had been referred, reported the same back to the Senate and asked to be discharged from the further consideration thereof; in which the Senate concurred.

Mr Toulmin, from the same committee to whom had been referred a resolution instructing them to inquire into the expediency of passing a law compelling the State bank and its several branches to adopt a uniform rate of interest, reported

A bill to be entitled an act to regulate the action of the State bank and its several branches, in the rate of interest; which was read and ordered to a second reading.

Mr Ross introduced a bill to be entitled an act in relation to the 16th section in township 11, of range 9, in the county of Wilcox; which was read a 1st and 2d time, and on motion of Mr Ross, referred to the judiciary committee.

Mr Turner from the committee on roads, bridges and ferries, to whom had been referred a bill to be entitled an act to authorise William Walker, sen., and his associates to establish a ferry on the Black Warrior river, in Blount county, reported a substitute therefor, which was adopted and ordered to a 3d reading.

Mr Turner introduced a bill, to be entitled an act to divorce John F. Lehre from his wife, Sally Lehre; which was read a first and second time, and on motion of Mr Turner, referred to the committee on divorce and alimony.

Mr Toulmin introduced a bill, to be entitled an act to regulate judicial proceedings and for other purposes, which was read a first and second times, and on motion of Mr Toulmin, referred to the committee on the judiciary.

Mr Creagh from the select committee, to whom had been referred a bill, to be entitled an act to regulate the compensation of witnesses and jurors in the county of Clarke, reported the same back to the Senate, amended as therein shewn, and recommended its passage.

The amendments were concurred in, and the bill read a third time and passed.

Ordered, that the title be as aforesaid.

Mr Reese offered joint resolutions in relation to monies expended, and growing out of the late Creek Indian hostilities; which was read the first and second times, and on motion of Mr Reese, referred to the committee on federal relations.

Mr Alston from the select committee, to whom had been referred a bill imposing additional duties on the treasurer of Marengo county, reported the same back to the Senate without amendment, and recommended its passage.

The bill was placed among the orders of the day.

Mr Hall offered the following preamble and resolutions:

Whereas, the length of the sessions of the legislature has become a subject of great complaint among the people; and whereas, the amount of business acted upon by the legislature, which is of general interest to the people of the State, and is considered too disproportionate to the amount of money expended. Therefore, with a view of bringing the present session to a close,

Be it Resolved, that no more new business will be received or acted upon by the Senate, except petitions and bills predicated upon petitions of this day.

And be it further Resolved, that with the concurrence of the House of Representatives, the two houses will adjourn, sine die, on Friday the 31st inst.

Mr Hudson moved to lay the resolutions on the table; which was lost.— Yeas 12—Nays 17.

Those who voted in the affirmative are, messrs Alston, Andress, Buford, Dent, Foster, Hudson, Jones, McClanahan, Oliver, Thornton, Toulmin and Watrous.

Those who voted in the negative are, messrs President, Baylor, Brindley, Clarke, Creagh, Hall, Hunter, Lea, McVay, Phillips, Reese, Ross, Rodgers, Turner, Wilson of F., Wilson of J., and Womack.

Mr Terry offered the following, as a substitute:

Resolved, that after 12 o'clock this day, no new business will be received except petitions.

Mr Andress moved to postpone the further consideration of the resolutions and amendment.

Mr Hudson, until Saturday week; which was carried: Yeas 19. Nays 12.

Those who voted in the affirmative, are messrs President, Alston, Andress, Baylor, Brindley, Buford, Clarke, Dent, Foster, Hudson, Jones, Lea, McConnell, Phillips, Ross, Thornton, Toulmin, Turner and Watrous.

Those who voted in the negative are, messrs Creagh, Hall, Hunter, King, McClanahan, McVay, Oliver, Reese, Rodgers, Wilson of F., Wilson of J., and Womack.

Mr Lea from the select committee, to whom had been referred an engrossed bill, to be entitled an act to prevent, define, remedy and punish bank frauds, and the amendments offered thereto, with instructions to amend or modify the

same, in any manner they should think most advisable, reported a substitute therefor.

Mr Creagh moved to amend the substitute, by striking out the word "ten" where it occurs before the word "years" in the last line thereof; which was lost. Yeas 4. Nays 25.

Those who voted in the affirmative are, messrs Buford, Creagh, Oliver and Rodgers.

Those who voted in the negative are, messrs President, Alston, Address, Brindley, Clarke, Dent, Foster, Hall, Hunter, Hudson, Jones, King, Lea, McClanahan, McConnell, McVay, Phillips, Ross, Thornton, Toulmin, Turner, Watrous, Wilson of F., Wilson of J., and Womack.

The substitute was then adopted, read a third time and passed.

Ordered, that the title be as aforesaid.

The hour of 11 o'clock having arrived, the Senate took up the special order of the day, which was a bill to appropriate in part, the two per cent fund. The amendment heretofore offered by Mr Baylor, being under consideration; which was adopted.

Mr McConnell offered an amendment, proposing the appropriation of the remainder of the said fund to the Wetumpka rail road.

On motion of Mr Terry the bill and proposed amendment was referred to the committee on internal improvement and inland navigation, with instructions to report on Monday next.

A message was received from the House of Representatives, by Mr Cook :

Mr President,—The House of Representatives have passed bills of the following titles, which originated in the Senate, to wit:

An act to establish jury trials in justices courts, in certain counties in this State, and to regulate the proceedings therein; and have amended the same as therein shewn.

An act to appoint commissioners to build a jail in the county of Shelby and for other purposes.

An act to compensate Robert Nelson.

An act authorising the commissioners court of Talladega county, to levy a tax for special purposes.

An act to incorporate the town of Vienna, in the county of Pickens, and

Bills of the following titles, which originated in the House of Representatives, to wit:

An act to divorce Eveline M. Whetstone from her husband, Evans L. Whetstone.

An act to authorise Wm. N. Thompson and his associates, to build mills on the Coosa river.

An act to repeal an act now in force, confining the collection of debts before justices of the peace in the beat where the defendant resides, or where the contract was made, so far as St. Clair is concerned.

An act for the better regulation of the management of steam boats.

An act to confirm the emancipation of certain slaves therein mentioned.

An act to locate the seat of justice of Marion county, and for other purposes.

An act for the payment of certain claims against the State.

An act for the relief of James M. Goodwin and others.

An act to require the clerk of the circuit and county courts of Marengo

county, to make and keep a reversed index in all cases in their respective courts, and for other purposes.

An act making appropriations for the payment of members of the General Assembly and the officers of the two Houses.

An act to divide the 71st regiment Alabama militia, in the county of Randolph, and create an additional regiment, and to provide for an organization of the same.

Joint resolutions for the relief of Dillard S. Payne and others.

An act to authorise the school commissioners therein named, to build a school house.

An act to divorce Araminta D. Stone from her husband, Charles Stone, and to change the name of said Araminta D. Stone, to that of Araminta Domier Loftin.

An act to divorce Jane Johnston from her husband, Henry Johnson.

An act to divorce Wilson Eatman from his wife, Sarah Eatman.

An act to authorise the election of an assessor and tax collector for Russell county, and for other purposes.

An act to incorporate the manufacturing company at the great falls of the Tallapoosa river, in Tallapoosa county.

An act to appoint an additional court house commissioner, for the county of Russell, and for other purposes; in all of which they respectfully ask the concurrence of your honorable body.

Mr Lea from the committee on the judiciary, to whom had been referred a joint resolution requiring suits to be brought against the President and Directors of the several banks in this State, in certain cases, reported the following amendment "after giving reasonable notice to such officers that unless the accounts paid out or received contrary to law, and refunded or returned to the proper bank, within one month after."

Mr Creagh moved to refer the bill to the State bank committee, with instructions to examine and report to this Senate the difference between the salaries received by the several officers employed in the bank of the State of Alabama and its several branches, and that allowed by law, if any there be; which was lost.—Yeas 4, Nays 23.

Those who voted in the affirmative are, messrs President, Creagh, Hudson, and Toulmin.

Those who voted in the negative are, messrs Alston, Andress, Clarke, Dent, Foster, Hall, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Turner, Watrous, Wilson of F. and Wilson of J.

Mr Lea offered the following as an amendment to the amendment reported by the committee, to wit:

And it shall be the duty of said solicitors to commence and prosecute such suits, whenever such violations of the law shall occur hereafter, with, or without giving previous notice; which was adopted.

The question then recurred upon concurring in the report of the committee as amended, which was carried.

On motion of Mr McVay, the preamble to said bill was stricken out.

Mr Wilson of F. moved to strike out "therefore," in the first line of the first section, which was carried.

Mr Wilson of F. then moved a suspension of the constitutional rule, for the purpose of giving the bill a third reading forthwith.

Mr Terry moved to amend by inserting, "during the year 1841," after the words "paid out," in the 9th line.

Mr Lea moved to refer the resolution and proposed amendment to a select committee, which was carried; whereupon, messrs Lea, McConnell and Hudson were appointed said committee.

Mr Rodgers, from the committee on enrolled bills, reported, that the committee had examined and found correctly enrolled, bills of the following titles, to wit:

An act to incorporate the Magnolia male and female academy, in the county of Marengo.

An act to amend an act passed 7th day of January, 1841, entitled an act for the promotion of the health and convenience of the city of Mobile, by the introduction into said city, of a supply of wholesome water to be used for domestic purposes and extinguishment of fires.

Mr Dent offered the following resolution:

RESOLVED, that with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House this evening, the 24th inst., at 7 o'clock, for the purpose of electing a comptroller of public accounts, State Treasurer, and a President and six Directors, for the bank of the State of Alabama at Tuscaloosa.

On motion of Mr Hudson the resolution was ordered to lie upon the table.

Mr Phillips introduced a bill to be entitled an act to amend an act entitled an act to amend the laws for the collection of taxes in the county of Marengo, which was read a first and second time, and on motion of Mr Phillips, referred to a select committee; whereupon messrs Phillips, Alston and Thornton were appointed said committee.

Mr Phillips introduced a bill to be entitled an act to authorize A. J. Kidd, Benjamin C. Gay and their associates, to erect a wharf on the Tombecbee river, in the town of Demopolis, Marengo county; read a first and second time, and on motion of Mr Phillips, referred to the committee on internal improvement and inland navigation.

Mr Turner, from the committee on roads, bridges, and ferries, to whom had been referred a bill from the House of Representatives to authorize James Bates to erect a toll bridge across Bates Creek, in the county of Washington, reported the bill back to the Senate, amended as therein shewn, and recommended its passage.

The amendments were concurred in by the Senate, and the bill ordered to a third reading.

Mr Turner, from the same committee to whom had been referred a bill to establish a Turnpike at Anglin's bridge on Pea river, reported the same back to the Senate—which was placed among the orders of the day.

Mr Thornton made the following report:

The judiciary committee to which was referred a bill from the House of Representatives to authorize the citizens of Greenville, in Butler county, to elect a justice of the peace and constable, have had the same under consideration, and instruct me to report the same back to the Senate.

The only object of the bill is to appoint the named officers, and to limit the jurisdiction of them to the said town, and within one mile thereof. This ob-

ject, so far as it relates to the justices of the peace, seems to your committee to be inconsistent with the constitution, which requires a competent number of justices of the peace to be appointed in and for each county, by which we understand that their jurisdiction is to be coextensive with the county in and for which they may be appointed.

On motion of Mr Hudson the report and bill was ordered to lie upon the table.

On motion of Mr Womack the Senate then adjourned until this evening, half after 3 o'clock.

EVENING SESSION, Dec. 24th, 1841.

The Senate met pursuant to adjournment.

Mr Reese moved a call of the Senate, when the following members appeared and answered to their names, to wit.

Messrs President, Alston, Baylor, Brindley, Creagh, Hall, Hudson, Jones, Lea, McClanahan, McVay, Reese, Ross, Rodgers, Thornton, Turner, and Wilson of F.

Mr Hudson then moved that the absentees be excused,—which was carried.

The Senate then proceeded to the consideration of the orders of the day.

Engrossed bill to reduce the pay of the public printers being on its third reading, was, on motion of Mr Hudson, referred to the committee on public printing, with instructions to inquire what reduction might be made consistent with the public interest.

Bills from the House of Representatives, of the following titles, to wit:

An act to incorporate the Greensborough female academy.

An act to alter and amend the charter of the city of Mobile.

An act to provide for the summoning of grand jurors to serve at the special criminal terms of the circuit court of Mobile, were severally read a third time and passed.

Ordered that the titles of the same be as aforesaid.

Engrossed bills of the following titles, to wit:

An act for the relief of James M. Shamberger, of Sumter county; and

An act to provide for holding the circuit courts of certain counties, were severally read a third time and passed.

Ordered that the titles be as aforesaid.

* Mr Wilson of F. moved to suspend the orders of the day, for the purpose of taking up the message from the House in relation to the adjournment of the Legislature, which was lost.—Yeas 13, Nays 16.

Those who voted in the affirmative are, messrs Alston, Address, Brindley, Buford, Clarke, Hall, Hunter, King, Oliver, Phillips, Turner, Wilson of F., and Wilson of J.

Those who voted in the negative are, messrs President, Baylor, Creagh, Dent, Foster, Hudson, Jones, Lea, McClanahan, McConnell, McVay, Ross, Rodgers, Thornton, Toulmin and Watrous.

Joint memorial of the Senate and House of Representatives, as to the distributive portion of the public lands, were read a third time and passed.—Yeas 18, Nays 11.

Those who voted in the affirmative are, messrs Alston, Address, Brindley, Buford, Clarke, Dent, Foster, Hall, Hunter, King, Lea, McConnell, Oliver, Phillips, Ross, Thornton, Watrous and Womack.

Those who voted in the negative are, messrs President, Creagh, Hudson, Jones, McClanahan, McVay, Rodgers, Toulmin, Turner, Wilson of F. and Wilson of J.

Ordered that the title of the same be as aforesaid.

A bill to change the mode of electing the directors of the several branch banks, was read a second time.

Mr Wilson of F. offered an amendment to the bill, repealing all former laws on the subject of electing directors for the several branch banks, coming in conflict with the provisions of this act; which was adopted.

Mr Wilson of J. moved to postpone the bill indefinitely.

Mr Hudson to refer to a select committee, with instructions further to amend the bill so as to make the notes of the several branch banks payable at the counter of the mother bank; which was lost.—Yeas 17, Nays 13.

Those who voted in the affirmative are, messrs President, Address, Brindley, Creagh, Dent, Foster, Hudson, Hunter, Lea, McClanahan, McConnell, Reese, Ross, Rodgers, Thornton, Watrous and Womack.

Those who voted in the negative are, messrs Alston, Buford, Clarke, Hall, Jones, King, McVay, Oliver, Phillips, Toulmin, Turner, Wilson of F. and Wilson of J.

A bill to be entitled an act to compel the bank of the State of Alabama and the branch banks at Huntsville, Decatur, and Montgomery, to keep their accounts with the branch bank at Mobile, was read a second time.

Mr Terry moved to suspend the constitutional rule for the purpose of giving the bill a third reading forthwith.

Mr Turner offered the following amendment, to wit:

And be it further enacted, that if the banks named in the first section of this bill, can make better arrangements for the interest of their respective institutions with either of the stock banks in Mobile, nothing in this act shall prevent them from doing so. But in all instances where an equal and satisfactory arrangement can be made with the branch bank at Mobile, it shall be the duty of the several banks named in the first section of this bill, to transact all their business with the said branch bank; which amendment was rejected.—Yeas 8, Nays 21.

Those who voted in the affirmative are messrs Buford, King, Oliver, Phillips, Reese, Rodgers, Turner and Watrous.

Those who voted in the negative are, messrs President, Alston, Address, Brindley, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones, Lea, McClanahan, McVay, Ross, Thornton, Toulmin, Wilson of J., Wilson of F. and Womack.

The question then recurred upon Mr Terry's motion to suspend, which was carried.

The question then was, shall the bill pass, which was determined in the affirmative,—Yeas 26, Nays 5.

Those who voted in the affirmative are, messrs President, Alston, [Address, Baylor, Brindley, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones, King, Lea, McClanahan, McConnell, McVay, Phillips, Ross, Rodgers, Thornton, Toulmin, Wilson of F., Wilson of J. and Womack.

Those who voted in the negative are, messrs Buford, Oliver, Reese, Turner and Watrous.

Ordered that the title be as aforesaid.

Mr Ross, from the committee on enrolled bills, reported that the committee had examined, and found correctly enrolled.

An act to fix permanently the time for the trial of all offences against the State, in the county of Wilcox.

A bill from the House of Representatives imposing additional duties on the treasurer of Marengo county, was read the third time and passed.

A message was received from the House of Representatives by Mr Tunstall.

Mr President: - The House of Representatives concur in the resolution of the Senate proposing to adjourn sine die on the 25th inst., and have amended it by striking out 25, and have inserted in lieu thereof, 31st inst., in which they ask the concurrence of the Senate.

A bill to be entitled an act to establish a turnpike at Anglin's bridge on Pea river, was read a second time.

Mr Womack offered the following amendment thereto:

"And be it further enacted, that no person living within Pike or Barbour county, shall be charged toll for crossing the same.

Mr Wilson of F. moved to amend the amendment, by inserting, "or in the State," after the word counties, which was carried.

The question recurred on the adoption of the amendment as amended, which was carried.

On motion of Mr Address, the bill as amended was ordered to lie upon the table.

Preamble and joint resolutions heretofore offered by Mr Brindley, came up next for the action of the Senate.

The amendment of Mr Wilson of F. to the amendment heretofore offered by Mr Buford, being under consideration,

Mr Hudson moved the indefinite postponement of the resolution, together with all the amendments, which was lost.—Yeas 14, Nays 16,

Those who voted in the affirmative are, messrs President, Address, Clarke, Creagh, Dent, Hudson, Hunter, King, McClanahan, McConnell, McVay, Thornton, Toulmin and Womack.

Those who voted in the negative are, messrs Baylor, Brindley, Buford, Foster, Hall, Jones, Lea, Oliver, Phillips, Reese, Ross, Rodgers, Turner, Watrous, Wilson of F. and Wilson of J.

Mr Hudson moved to postpone until next Friday night, 9 o'clock, which was lost.—Yeas 15, Nays 16.

Those who voted in the affirmative are, messrs Address, Creagh, Dent, Hall, Hudson, Hunter, McClanahan, McConnell, Phillips, Thornton, Toulmin, Watrous, Wilson of F. Wilson of J. and Womack.

Those who voted in the negative are, messrs President, Alston, Baylor, Brindley, Buford, Clarke, Foster, Jones, King, Lea, McVay, Oliver, Reese, Ross, Rodgers, and Turner.

On motion of Mr Lea the resolution was then ordered to lie upon the table.

Mr Lea, from the select committee to whom had been referred a joint resolution requiring suits to be brought against the President and Directors of the several banks in this State in certain cases, reported a substitute therefor.

"A bill to be entitled an act in relation to the salaries of officers of the

bank of the State of Alabama and its several branches, which was adopted; read a third time and passed.

Ordered that the title be as aforesaid.

On motion of Mr Reese, **RESOLVED**, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that his Excellency the Governor, is hereby authorised to appoint any additional number of aids, not to exceed five in number, to be entitled to the same rank, and subject to the same duty as those already appointed.

Mr Hall moved to take up the last message from the House in relation to an adjournment of the Legislature.

Mr Creagh moved to adjourn until 7 o'clock this evening.

Mr Dent moved to adjourn until 10 o'clock Monday, which was lost.—Yeas 9, Nays 22.

Those who voted in the affirmative are messrs President, Baylor, Clarke, Dent, Foster, McConnell, Reese, Thornton and Watrous.

Those who voted in the negative are messrs Alston, Address, Brindley, Buford, Creagh, Hall, Hudson, Hunter, Jones, King, Lea, McClanahan, McVay, Oliver, Phillips, Reese, Rodgers, Toulmin, Turner, Wilson of F., Wilson of J. and Womack.

Mr Hudson moved that the Senate adjourn until to-morrow 10 o'clock—carried.—Yeas 21, Nays 11.

Those who voted in the affirmative are, messrs President, Address, Baylor, Buford, Clarke, Dent, Foster, Hudson, Lea, McClanahan, McConnell, McVay, Phillips, Ross, Reese, Rodgers, Thornton Watrous, Wilson of F. and Wilson of J.

Those who voted in the negative are messrs Alston, Brindley, Creagh, Hall, Hunter, Jones, King, Oliver, Toulmin, Turner, and Womack.

And then the Senate adjourned.

SATURDAY, Dec. 25, 1841.

The Senate met pursuant to adjournment.

Mr Dent moved to adjourn until Monday 10 o'clock, which was lost.—Yeas 9, Nays 11.

Those who voted in the affirmative are, messrs President, Alston, Dent, Foster, Jones, McClanahan, Phillips, Rodgers and Thornton.

Those who voted in the negative are, messrs Address, Brindley, Buford, Clarke, Creagh, Hall, Hudson, King, Lea, McVay and Oliver.

The journal of the preceding day having been read,

Mr Foster moved that the Senate adjourn until Monday half after 9 o'clock, which was carried.—Yeas 16, Nays 14.

Those who voted in the affirmative are, messrs President, Alston, Baylor, Clarke, Dent, Foster, Jones, McAllister, McClanahan, McConnell, McVay, Phillips, Ross, Thornton, Watrous and Womack.

Those who voted in the negative are, messrs Address, Brindley, Buford, Creagh, Hall, Hudson, Hunter, King, Lea, Oliver, Reese, Toulmin, Turner and Wilson of J.

And then the Senate adjourned.

MONDAY, Dec. 27, 1841.

The Senate met pursuant to adjournment.

Mr Hudson, from the committee on federal relations, to whom had been referred joint resolutions in relation to monies expended and growing out of the

late Creek Indian hostilities, reported the same back to the Senate without amendment, and recommended its passage.

Mr Dent moved to amend the resolution by striking out "Comptroller," and inserting "the Governor of the State appoint some suitable person," which was carried.

The question then recurred on ordering the resolutions to be engrossed for a third reading, which was carried.

Mr Hudson from the committee on accounts and claims, to which had been referred the claim of S. D. Cabeniss, Register at Huntsville, for articles for his office, reported that all such accounts had been provided for in a general bill which had passed the Senate on that subject; the committee, therefore, asked to be discharged from the further consideration thereof, in which the Senate concurred.

Mr Hudson from the committee on accounts and claims, to whom had been referred the claim of Bolin Smith, of Autauga county, for escorting prisoners and sundry other items, reported that the same account had been presented to the committee during the present session, in the name of Bolin Smith and M. E. Hardy, and referred to said committee, and by them reported as not being properly authenticated, which the Senate concurred in; and that the claim was now made out and presented in the name of Smith alone. The committee are still of opinion that the account ought not to be allowed; in which the Senate concurred.

Mr Hall asked leave to withdraw the account, which was granted.

Mr Hudson, from the same committee to whom had been referred the petition of Joseph E. Caro, of the city of Mobile, praying for a further allowance of \$1428 00, for translating and transcribing the French, Spanish and British records, remaining in the public archives of the city of Mobile, and reported, that from the certificate of the comptroller of public accounts, which was submitted, it appeared that said Caro had already drawn from the treasury, out of the contingent fund, for the above named services, the sum of \$3,519 20, which amount the committee thought amply sufficient to compensate him for the services rendered, and that the prayer of the petitioner ought not to be granted; in which the Senate concurred.

Mr McClanahan from the committee on military affairs, to whom had been referred the annual abstract report of the Adjutant and Inspector General of the State, showing the strength and condition of the militia of the State, reported that the committee could find nothing therein upon which to legislate, and therefore asked to be discharged from the further consideration thereof, in which the Senate concurred.

Mr Creagh from the committee on State printing, to whom had been referred the bill to be entitled an act to reduce the pay of public printers, reported that the price of paper was reduced from twelve to nine dollars a ream, that press work had been reduced, and that money was now worth more than at the time the present law on that subject was passed. The committee proposed to amend the bill by striking out 'twenty-five' where it occurs before 'per cent' and inserting in lieu thereof 'ten;' in which the Senate concurred.

The bill was then read a third time and passed.

Ordered, that the title be as aforesaid.

Mr Hudson from the select committee, to whom had been referred a bill to compensate Robert Fenner and others, and for other purposes, reported the

late Creek Indian hostilities, reported the same back to the Senate without amendment, and recommended its passage.

Mr Dent moved to amend the resolution by striking out "Comptroller," and inserting "the Governor of the State appoint some suitable person," which was carried.

The question then recurred on ordering the resolutions to be engrossed for a third reading, which was carried.

Mr Hudson from the committee on accounts and claims, to which had been referred the claim of S. D. Cabeniss, Register at Huntsville, for articles for his office, reported that all such accounts had been provided for in a general bill which had passed the Senate on that subject; the committee, therefore, asked to be discharged from the further consideration thereof, in which the Senate concurred.

Mr Hudson, from the committee on accounts and claims, to whom had been referred the claim of Bolin Smith, of Autauga county, for escorting prisoners and sundry other items, reported that the same account had been presented to the committee during the present session, in the name of Bolin Smith and M. E. Hardy, and referred to said committee, and by them reported as not being properly authenticated, which the Senate concurred in; and that the claim was now made out and presented in the name of Smith alone. The committee are still of opinion that the account ought not to be allowed; in which the Senate concurred.

Mr Hall asked leave to withdraw the account, which was granted.

Mr Hudson, from the same committee to whom had been referred the petition of Joseph E. Caro, of the city of Mobile, praying for a further allowance of \$1428 00, for translating and transcribing the French, Spanish and British records, remaining in the public archives of the city of Mobile, and reported, that from the certificate of the comptroller of public accounts, which was submitted, it appeared that said Caro had already drawn from the treasury, out of the contingent fund, for the above named services, the sum of \$3,519 20, which amount the committee thought amply sufficient to compensate him for the services rendered, and that the prayer of the petitioner ought not to be granted; in which the Senate concurred.

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Mr Creagh from the committee on State printing, to whom had been referred the bill to be entitled an act to reduce the pay of public printers, reported that the price of paper was reduced from twelve to nine dollars a ream, that press work had been reduced; and that money was now worth more than at the time the present law on that subject was passed. The committee proposed to amend the bill by striking out 'twenty-five' where it occurs before 'per cent' and inserting in lieu thereof 'ten;' in which the Senate concurred.

The bill was then read a third time and passed.

Ordered, that the title be as aforesaid.

Mr Hudson from the select committee, to whom had been referred a bill to compensate Robert Fenner and others, and for other purposes, reported the

same back to the Senate, with sundry amendments therein shewn, and recommended the passage of the bill in such amended form. The amendments were concurred in by the Senate, and the bill passed.

Ordered, that the title of the same be as aforesaid.

Mr Phillips from the select committee, to whom had been referred a bill to be entitled an act to amend the laws for the collection of taxes in the county of Marengo, reported the same back to the Senate, without amendment, and recommended its passage. The constitutional rule being suspended, the bill was read a third time and passed.

Ordered, that the title of the same be as aforesaid.

Ordered, that the same be sent to the House of Representatives for their concurrence.

Mr Baylor from the committee on education, to whom was referred a petition in relation to the education of the deaf and dumb citizens of this State, reported that it was a subject well worthy the consideration of the Senate, and that means ought to be provided to alleviate the condition of this unfortunate class of the community, but that from the deficiency of the means to effect the object, it was not expedient at this time to legislate upon the subject; in which the Senate concurred.

On motion of Mr Hudson, leave of absence was granted to Mr Wilson of Fayette, for the balance of the session.

Mr Lea from the committee on inland navigation and internal improvement to whom had been referred a bill to be entitled an act to appropriate in part the 2 per cent fund, with instructions to report the same back to the Senate by 11 o'clock on the 27th December 1841, (this day) reported the following amendments, and recommended the passage of the bill, to wit: strike out 'one half' where it occurs and insert in lieu thereof 'one-fourth;' and after the word "road," in the 8th line of the first section, insert "payable quarterly, or at the expiration of each term of three months of the first subscription or payment by the State." The committee rejected the amendment referred with the bill.

Mr Creagh called for a division of the question on concurring in the report; which was taken on the first amendment, and the vote being taken thereon, it was determined in the affirmative. Yeas 25. Nays 3.

Those who voted in the affirmative are, messrs President, Alston, Baylor, Clarke, Dent, Foster, Hall, Hudson, Hunter, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of J., and Womack.

Those who voted in the negative are, messrs Address, Creagh and Reese.

The question was next taken upon concurring in the second amendment; which was lost.

Lastly, in concurring in that part of the report which rejected the amendment, which proposed to appropriate the residue of the 2 per cent fund to the Wetumpka and Coosa rail road; which was carried. Yeas 23. Nays 5.

Those who voted in the affirmative are, messrs President, Alston, Address, Baylor, Creagh, Dent, Hudson, Hunter, King, Lea, McAllister, McClanahan, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of J., and Womack.

Those who voted in the negative are, messrs Clarke, Foster, Hall, McConnell and McVay.

The constitutional rule being suspended, the bill was read a third time and passed. Yeas 19—Nays 9.

Those who voted in the affirmative are, messrs President, Alston, Address, Baylor, Creagh, Foster, Hall, Hunter, King, Lea, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Turner, Watrous and Womack.

Those who voted in the negative are, messrs Clarke, Dent, Hudson, McAllister, McClanahan, McConnell, McVay, Rodgers and Wilson of J.

Ordered, that the title be as aforesaid.

Message from the House of Representatives, by Mr Cook.

Mr President.—The House of Representatives have passed a bill, which originated in the Senate, to incorporate the Stockton steam boat and warehouse company in the county of Baldwin.

Mr Ross offered joint resolutions authorising the Governor to appoint some suitable person to take care of the State capitol; which was read a first and second time.

Mr Hudson moved to strike out "two" where it occurs before the word dollars for the purpose of inserting "one hundred and fifty;" which was lost.

The question then recurred on ordering the resolution to be engrossed for a third reading; which was carried.

A message was received from his Excellency the Governor, by Mr Harrison:

Mr President.—His Excellency the Governor, did on this day approve and sign bills of the following titles, to wit:

An act to incorporate the Magnolia male and female Academy, in the county of Marengo.

An act in relation to 16th section in township 10, of range 5; also in 16th section, township 11, range 11, in the county of Wilcox.

An act to compensate losses occasioned by pressing a horse in the Creek service.

An act for the relief of Haley G. Jenkins and David Covington.

An act to amend an act passed the 7th day of January 1841, entitled an act for the promotion of the health and convenience of the city of Mobile by the introduction of wholesome water for domestic purposes and for other purposes, and the extinguishment of fires, all of which originated in the Senate.

Mr Turner presented the account of M. D. J. Slade, which was referred to the committee on accounts and claims.

Mr Hudson presented the account of D. Woodruff, which was referred to the committee on accounts and claims.

Mr Toulmin from the committee on the State bank to which was referred a resolution instructing them to inquire into the expediency of repealing an act entitled an act to pay the Directors of the State bank and its several branches, reported that it is inexpedient to legislate upon the subject, in which the senate concurred.

A message was received from the House of Representatives, by Mr Cook.

Mr President.—The House of Representatives have passed bills which originated in the House of Representatives, of the following titles, to wit:

An act to pay certain claims therein mentioned.

An act to authorise Wm. H. Lyon, Golbert Bretling, and their associates

to erect a wharf on the Tombecbee river, in the town of Demopolis, Marengo county.

An act to revive an act therein named, and for other purposes.

An act to authorise the clerk of the circuit court of Randolph county, to record in his office, all deeds of conveyance acknowledged or proved before him.

An act to incorporate the Tallapoosa Lyceum.

An act to consolidate township 15, of range 30 and 31, Russell county.

An act to incorporate the town of Crockettville, in the county of Russell.

An act to divorce Doza Essman from her husband, Benjamin Essman.

An act for the relief of certain persons therein named.

An act to incorporate the town of Camden, in the county of Wilcox.

An act for the relief of Drucilla McDow and Elizabeth Woodley.

An act to change the name of certain persons therein mentioned.

An act to authorise Benjamin Thally of the county of Walker, to erect a mill dam across Lost creek in said county.

An act in relation to the 16th section of township 11, of range 9, in the county of Wilcox.

An act to limit the power to appropriate money out of the treasury of the State, for books, stationery, &c., for the registers in chancery.

An act to consolidate the male and female Academies of the town of Irwinton, Barbour county into one body corporate.

An act to restrain excess in taxation for county purposes, in the county of Tallapoosa.

An act for the relief of the commissioners of the 16th section, township 10, range 5, in the county of Wilcox.

An act to divorce Elizabeth Steelman from her husband, Wm. Steelman.

An act to authorize A. J. Kidd, Benjamin C. Gay and their associates, to erect a wharf on the Tombecbee river, in the town of Demopolis in Marengo county: in all of which they ask the concurrence of your honorable body.

Mr Toulmin from the committee on the State bank, to which was referred a resolution instructing them to have the indebtedness of the members of the present General Assembly, published, reported that the same was now in the hands of the printer, and would at an early period be furnished to the Senate. The committee asked to be discharged from the further consideration thereof; in which the Senate concurred.

Mr Dent moved to take from the table a resolution from the House, proposing to go into certain elections; which was lost.

On motion of Mr Foster, the bill to be entitled an act to establish jury trials in justices courts in certain counties in this State, and to regulate the proceedings therein, was taken from the table and placed among the orders of the day.

On motion of Mr Hudson, the message from the House of Representatives, containing bills, which originated in the Senate, was taken from the table.

The first amendment of the House to the bill to be entitled an act to prevent frauds in elections, which proposed to strike out 'two' in the first section and insert 'one;' was concurred in by the Senate.

The question was next taken upon concurring in the amendment, authorizing individuals of foreign birth, to vote upon certain conditions; which was carried. Yeas 24. Nays 3.

Those who voted in the affirmative are, messrs President, Alston, Andrew.

Clarke, Creagh, Foster, Hall, Hudson, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Reese, Ross, Rodgers, Thornton, Toulmin, Turner, Wilson of L. and Womack.

Those who voted in the negative are, messrs Dent, Hunter and Watrous.

Next upon the amendment authorising qualified electors to vote for electors of President and Vice President of the United States, in any county in this State, which was rejected. Yeas 1—Nays 26.

Mr Baylor voted in the affirmative.

Those who voted in the negative are, messrs President, Alston, Andress, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous and Wilson of J.

On motion of Mr Hudson, the Senate took from the table joint resolutions of the general assembly of the State of Alabama, concerning purchasers of 16th sections, with the following amendments made thereto by the House of Representatives, to wit:

In the 18th line of the resolution, after the word "purchase," add, "and pay all costs which have accrued by suit or otherwise on the said notes,"

Also, to come in at the end of the said resolution, the following:

And be it further resolved, that the provisions of this act shall also apply to the contracts for the purchase by David Fluker of a portion of section 16, township 17, range 6 east; and by John Pitts of the east half of south-east quarter; and by John Ormon of the north-west quarter, all in the same section, township and range: Provided, that the above provisions be, and are hereby extended to the purchasers of lots No. 1 and 8, township 14, range 1 east, in the county of Marengo; and provided this act shall extend to the purchasers of 16th section, in township 12, of Range 1 east, of the meridian of Huntsville, in the county of Blount.

In which amendments the Senate concurred.

Ordered, that the Secretary acquaint the House of Representatives therewith.

Also, the bill to be entitled an act in relation to certain school lands in Talladega county, purchased by F. Hall and R. R. Chilton and others, in Benton county, with the following amendments made thereto, by the House of Representatives, as an additional section, to wit:

And be it further enacted, that the provisions of this act shall be granted and extended to Amos Chapman, purchaser of part of section 16, township No. 1, range 5 east, Coosa land district, in the county of Benton.

In which amendment by the House of Representatives the Senate concurred.

Ordered, that the Secretary acquaint the House therewith.

The Senate then proceeded to the consideration of the orders of the day.

The bill from the House of Representatives to be entitled an act to authorise James Bates to erect a toll bridge across Bates' creek, in the county of Washington, was read a third time and passed the Senate.

Mr Creagh, who voted in the majority on the passage of the bill, moved a reconsideration of the vote just taken; which was lost.

Ordered, that the title be as aforesaid, and that the secretary acquaint the House of Representatives therewith.

The bill to regulate the action of the State bank and its several branches

in the rate of interest, was read a second time and ordered to be engrossed for a third reading.

The bill from the House of Representatives to extend the jurisdiction of justices of the peace in certain cases, was read the second time, and the constitutional rule being suspended, the bill was read the third time forthwith.

Ordered, that the secretary acquaint the House therewith.

On motion of Mr Hudson, the Senate took up the message from the House of Representatives.

The bill from the House of Representatives to authorise Benajah King to erect a toll bridge across Big Mulberry creek, was read the first time.

Mr Phillips moved that the rule requiring bills to be read on three several days, be dispensed with, and give the bill a second reading forthwith; which was lost.

The bill was then ordered to a third reading on to-morrow.

Mr Ross, from the committee on enrolled bills, reported that they have examined and found correctly enrolled, bills of the following titles, to wit:

An act to allow Edwin Robinson to erect a gate or gates across a road therein designated.

Joint resolutions for the survey of the county of Cherokee, and for other purposes.

Bills from the House of Representatives of the following titles, to wit.

An act to amend an act entitled an act regulating punishments under the penitentiary system, approved January 9, 1841.

An act to authorise the sale of property at the town of Fairfield, in Pickens county; also, at Greensborough, in the county of Greene.

An act to incorporate the LaFayette Artillery.

An act regulating the practice of dental surgery, and for other purposes.

An act to divorce Ann C. Bell from her husband John D. Bell.

An act to divorce Martha Ann Ball from her husband Fessendon Ball.

An act to divorce John Farley from his wife Mary Farley.

An act to divorce Phillip Voiglin from his wife Mary Voiglin.

An act granting certain privileges to Alexander Findley, of DeKalb county.

An act to make county claims receivable in payment of county taxes in Dale county.

An act to distribute the sixth census of the U. States throughout this State.

An act to extend the next term of the circuit court of Geene county, to eighteen judicial days.

An act to appoint public weighers in the town of Wetumpka.

An act to extend the charter of a turnpike road therein named.

An act for the payment of the claim of Hugh P. Caffey, and others.

An act for the relief of Robert Williamson.

Joint resolutions of the legislature of the State of Alabama to the Congress of the United States.

An act for the payment of certain claims against the State.

An act for the relief of the tax collector of Macon county.

An act to authorise the appointment of overseers to work a certain road therein named.

An act to divorce Simeon Wheeler from his wife Catharine Wheeler.

An act to authorise the commissioners in township No. 19, in Talladega county, to do acts therein named.

An act to pay the heirs of Leah Fralick; a certain sum therein named.

An act to provide for a more effectual organization of the 24th regiment Alabama militia.

An act to incorporate the Florence lyceum.

An act to alter the mode of electing the assessor and tax collector for Montgomery county.

An act to divorce Kenion J. W. Gaylord from his wife Mary Ann Gaylord.

An act to change the time of holding the county court of Lauderdale county.

An act to compensate Watkins & Sellers for merchandize purchased of them for the use of the State of Alabama.

An act to divorce Eliza Biggs from her husband Hugh H. Biggs.

An act to abolish brigade encampment drills in the 13th brigade and 5th division.

An act to confirm the emancipation of certain persons therein named.

An act making appropriations for the payment of members of the general assembly, and officers of the two Houses.

Joint resolution for the relief of Dillard S. Payne and others.

An act for the relief of James M. Goodwin and others.

An act for the payment of certain claims against the State.

An act to locate the seat of justice of Marion county and for other purposes.

An act for the better regulation and management of steam boats.

An act to repeal an act now in force, confining the collection of debts before a justice of the peace in the beat where the defendant resides or where the contract was made, so far as St. Clair county is concerned.

An act to authorise Wm. N. Thompson and his associates, to build mills on the Coosa river.

An act to divorce Evaline M. Whetstone from her husband Evans L. Whetstone.

An act to appoint an additional court-house commissioner for the county of Russell, and for other purposes.

An act to incorporate a manufacturing company at the Great Falls of the Tallapoosa river, in the county of Tallapoosa.

An act to authorise the election of an Assessor and collector of taxes for Russell county, and for other purposes.

An act to divorce Wilson Eatman from his wife Sarah Eatman.

An act to divorce Jane Johnson from her husband Henry Johnson.

An act to divorce Araminta D. Stone from her husband Charles Stone, and change the name of said Araminta D. Stone to that of Araminta D. Loftin.

An act to authorise the school commissioners therein named to build a school house.

An act to divorce Doza Essman from her husband Benjamin Essman.

An act to incorporate the town of Crockettville, in the county of Russell.

An act to consolidate township 15, of range 30 and 31, in Russell county.

An act to incorporate the Tallapoosa Lyceum.

An act to authorise the clerk of the circuit court of Randolph county, to

record in his office all deeds of conveyance acknowledged or proven before him.

An act to revive an act therein named and for other purposes.

An act to authorise Wm. H. Lyon, Gotbert Brettling, and their associates to erect a wharf on the Tombekbee river in the town of Denopolis, Maren-go county.

An act to pay certain claims therein named.

An act to authorise A. J. Kidd, Benjamin C. Gay and their associates, to erect a wharf on the Tombekbee river, in the town of Denopolis, Maren-go county.

An act to Divorce Elizabeth Steelman from her husband Wm. Steelman.

An act for the relief of the commissioners of section 16, township 10, range 5, in the county of Wilcox.

An act to restrain excessive taxation for county purposes, in the county of Tallapoosa.

An act to consolidate the male and female academy of the town of Irwin-ton, Barbour county, into one body corporate.

An act to limit the power to appropriate money out of the treasury of the State, for books, stationery, &c. for the registers in chancery in this State.

An act in relation to the 16th section of township 11, of range 9, in the county of Wilcox.

An act to authorise Benjamin Thally, of the county of Walker, to erect a mill dam across Lost creek, in said county.

An act to change the name of a certain person therein mentioned.

An act for the relief of Drusilla McDow and Elizabeth Woodley; and

An act to incorporate the town of Camden, in the county of Wilcox, were severally read and ordered to a second reading.

Message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have appointed messrs Gresham, Phillips and Henry, a committee to act with such committee as may be appointed on the part of the Senate on the subject of the disagreement of the two Houses on the bill to be entitled an act — — —

Mr Reese moved that the Senate appoint a committee for the purpose aforesaid; which was carried.

Whereupon, messrs Hall, Reese and Toulmin, were appointed said committee.

Message from the House of Representatives by Mr Cook.

Mr President: The House of Representatives disagree to the amendments made by the Senate to the bill which originated in the House relating to the elections of President and Directors of the State bank and its several branches.

Mr King moved that the Senate recede from its amendments; which was carried. Yeas 16—Nays 12.

Those who voted in the affirmative are, messrs Andress, Baylor, Buford, Clarke, Dent, Foster, Hall, Jones, King, McAllister, McConnell, Oliver, Phillips, Reese, Ross and Turner.

Those who voted in the negative are, messrs President, Alston, Creagh, Hudson, Lea, McClanahan, McVay, Rodgers, Thornton, Toulmin, Wilson of J. and Womack.

Ordered, that the House of Representatives be informed that the Senate has receded from its amendments.

A bill from the House of Representatives to be entitled an act for the relief of commissioners of 16th section, in township 22, range 25, in Chambers county, and for other purposes, was read a first time.

Mr Dent moved to suspend the constitutional rule for the purpose of giving the bill a second reading forthwith; which was lost.

The question then recurred on ordering the bill to a second reading; which was carried.

A bill from the House of Representatives to be entitled an act to alter the mode of assessing and collecting the taxes for the county of Fayette, and for other purposes, was read a first time, and on motion of Mr Hudson, ordered to lie on the table.

The amendment of the House of Representatives to the bill which originated in the Senate in relation to prairie roads in the counties of Montgomery and Lowndes, authorizing the commissioners court of said counties respectively, to alter the width of causeways wherever the nature of the timber in the vicinity of said roads may require it, was concurred in by the Senate.

A bill from the House of Representatives to levy a special tax in the county of Lauderdale, was read a first time, and on motion of Mr McVay, ordered to lie on the table.

The amendment of the House of Representatives to the bill to be entitled an act to establish jury trials in justices courts in certain counties in this State, and to regulate the proceedings therein, being under consideration, Mr Womack moved to amend the amendment by adding thereto the word "Butler;" which was carried Yeas 24—Nays 4.

Those who voted in the affirmative are, messrs President, Alston, Andress, Buford, Foster, Hall, Hudson, Hunter, King, Lea, McAllister, McClanahan, McVay, Oliver, Phillips, Ross, Rodgers, Thornton Turner, Watrous, Wilson of J. and Womack.

Those who voted in the negative are, messrs Creagh, Dent, Reese and Toulmin.

On motion of Mr King, the bill was then ordered to lie upon the table.

A bill from the House of Representatives to be entitled an act to require the clerks of the circuit and county courts of Marengo county, to make and keep a reversed index in all cases decided in their respective courts, and for other purposes, was read a first and second time, and on motion of Mr Alston, referred to a select committee.

A bill from the House of Representatives to be entitled an act to divide the 71st regiment of Alabama militia, in the county of Randolph, and create an additional regiment, and to provide for the organization of the same, was read a first time.

Mr Reese moved to suspend the constitutional rule for the purpose of giving the bill a second reading forthwith; which was lost.

The question then recurred on ordering the bill to a second reading; which was carried.

A bill from the House of Representatives to be entitled an act to confirm the emancipation of certain slaves therein named, was read a first time, and the question then was, Shall this bill be ordered to a second reading; which was determined in the negative.

The Senate then took up the message from the House, informing the Senate that they had adopted the resolution of the Senate proposing to adjourn on — instant, and amended the same by striking out "24th," and inserting in lieu thereof "31st." The question being on concurring in the amendment made by the House of Representatives.

Mr Hudson moved to postpone the further consideration thereof until Tuesday next, 11 o'clock, and make it the special order of the day; which was carried. Yeas 17—Nays 11.

Those who voted in the affirmative are, messrs President, Baylor, Buford, Clarke, Foster, Hudson, Jones, Lea, McAllister, McClanahan, McConnell, McVay, Phillips, Ross, Rodgers, Thornton and Toulmin.

Those who voted in the negative are, messrs Alston, Andress, Creagh, Dent, Hunter, King, Oliver, Reese, Turner Wilson of J. and Womack.

A bill from the House of Representatives to be entitled an act for the relief of certain persons therein named, was read and ordered to a second reading.

A message was received from the House of Representatives by Mr Cook.

Mr President: The House of Representatives have adopted the following resolution:

RESOLVED, that with the concurrence of the Senate, the two Houses will assemble in the hall of the House this evening at half past 6 o'clock, for the purpose of going into the election of Comptroller of public accounts, State Treasurer, State Printer; also a President and six Directors, for the branch bank at Montgomery; a President and six Directors for the branch bank at Mobile; and also a Keeper of the State Arsenal.

Resolved further, that with the concurrence of the Senate, the two Houses will assemble in the hall of the House this day at half past three a'clock, for the purpose of going into the election of a President and six Directors for the branch bank at Huntsville, and a President and six Directors for the State Bank at Tuscaloosa; in which they ask the concurrence of the Senate.

Mr Lea offered the following as a substitute for the above resolutions from the House of Representatives, to wit:

RESOLVED, that with the concurrence of the House of Representatives, the two Houses will assemble in the hall of the House this evening (27th Dec. 1841,) at half after 6 o'clock, and proceed to elect a President and six Directors for the branch of the bank of the State of Alabama at Huntsville, and the same for the branch bank at Decatur, and also a Quarter Master General of the State; and to-morrow night at the same hour, to elect said officers for the bank of the State, and the branch bank at Montgomery; and the next succeeding night, to elect said officers for the branch bank at Mobile; and also on the same night last aforesaid, the Treasurer and Comptroller of the State, and State Printer; which was adopted. Yeas 16—Nays 8.

Those who voted in the affirmative are, messrs President, Baylor, Buford, Clarke, Foster, Hall, Hudson, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Ross, Rodgers, and Womack.

Those who voted in the negative are messrs Andress, Creagh, Dent, Hunter, Oliver, Toulmin, Turner and Wilson of J.

Mr Ross, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, bills of the following titles, to wit:

An act to authorise the commissioners court to levy a special tax for certain purposes.

An act to compensate Robert Nelson.

An act to levy a special tax for Autauga county, and for other purposes.

An act to appoint commissioners to build a jail in the county of Shelby, and for other purposes.

An act to incorporate the town of Vienna, in the county of Pickens; and

An act to change the mode of collecting the taxes for the county of Jackson.

Mr King moved that the secretary inform the House that the Senate had receded from its amendments to the bill in relation to the elections of Presidents and Directors of the State bank and its several branches; which was carried. Yeas 17—Nays 13.

Those who voted in the affirmative are, messrs Address, Baylor, Buford, Clarke, Dent, Foster, Hall, King, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Ross, Turner and Watrous.

Those who voted in the negative are, messrs President, Alston, Creagh, Hudson, Hunter, Jones, Lea, McClanahan, Rodgers, Thornton, Toulmin, Wilson of J. and Womack.

On motion of Mr Turner, the vote taken to-day refusing to order to a second reading the bill to be entitled an act to confirm the emancipation of slaves therein named, was reconsidered.

Mr Terry, to indefinitely postpone the bill; which was lost. Yeas 9—Nays 19.

Those who voted in the affirmative are, messrs President, Alston, Address, Buford, Dent, Hudson, King, McVay and Rodgers.

Those who voted in the negative are, messrs Baylor, Clarke, Creagh, Foster, Hall, Hunter, Jones, Lea, McAllister, McClanahan, McConnell, Oliver, Ross, Thornton, Toulmin, Turner, Watrous, Wilson of J. and Womack.

The question then recurred on ordering the bill to a second reading; which was carried.

Mr Buford introduced a bill to be entitled an act to establish at Irwinton, an agency of the Montgomery bank; which was read a first time.

Mr Buford moved to suspend the constitutional rule, for the purpose of giving the bill a second reading forthwith; which was lost.

The bill was then ordered to a second reading.

Mr Buford offered a joint resolution in relation to a mail stage route through Irwinton to Mobile; which was read and adopted.

Mr Address moved that the Senate adjourn until 6 o'clock, this evening.

Mr Buford, until 10 o'clock, to-morrow; which was lost. Yeas none—Nays 28.

Those who voted in the negative are, messrs President, Alston, Address, Baylor, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Turner and Wilson of J.

The question then recurred upon adjourning until 6 o'clock, this evening; which was lost. Yeas 6. Nays 24.

Those who voted in the affirmative are, messrs Alston, Address, Hudson, Rodgers, Toulmin and Watrous.

Those who voted in the negative are, messrs President, Baylor, Buford,

Clarke, Creagh, Dent, Foster, Hall, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Ross, Thornton, Turner, Wilson of J., and Womack.

On motion of Mr Baylor, the Senate then adjourned until this evening, 4 o'clock.

Evening Session, Dec. 27, 1841.

The Senate met pursuant to adjournment.

Mr Ross from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled,

An act to better regulate the election of President and Directors of the State bank and its several branches.

A message was received from the House of Representatives, by Mr Tunstall:

Mr President,—The House of Representatives concur in the several amendments made by the Senate to their resolution, proposing to go into the election of President and Directors of the State bank and branch banks of the State and other officers named in said resolution.

On motion of Mr Womack, the bill to secure a homestead to every family in this State, was taken from the table; the question being on concurring in the report of the judiciary committee on said bill; which was lost. Yeas 16. Nays 7.

Those who voted in the affirmative are, messrs President, Address, Buford, Hall, Hudson, Lea, McAllister, McConnell, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Wilson of J., and Womack.

Those who voted in the negative are, messrs Alston, Clarke, Creagh, Dent, Foster, King, and McClanahan.

Mr McClanahan introduced a bill to revive and continue in force, an act therein named, which was read three several times forthwith, (the constitutional rule being suspended) and passed.

Ordered, that the title be as aforesaid.

Mr Ross made the following report:

The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles,

An act to incorporate the Stockton steam boat and ware house company, in the county of Baldwin. Also,

An act in relation to certain school lands in Talladega, purchased by F. Hall and R. R. Chilton, and others, and

Joint Resolutions of the General Assembly of Alabama, concerning 16th sections.

Mr Buford offered the following resolution:

Resolved, that the judiciary committee be instructed to inquire into the expediency of a law providing that occupants of public lands, as also all lands of doubtful title, may recover the value of their improvements from those who enter or recover the same; which was lost.

Mr King moved to adjourn until 6 o'clock, this evening.

Mr Hudson, till a quarter past 6; which was carried.

And then the Senate adjourned.

QUARTER PAST 6 O'CLOCK

The Senate met pursuant to adjournment.

Mr Ross made the following report:

The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, to wit:

An act to require the sheriff of the county of Perry, to sell all property levied on by him, in that portion of said county, east of the Cahawba river, at the town of Perryville.

An act to declare the Noxubee river, a public highway.

An act to change the time of holding the county court of Tallapoosa county.

The Senate then repaired to the Hall of the House of Representatives for the purpose of going into certain elections, and were seated.

Mr President arose and announced the object of the meeting of the two Houses.

The two Houses first proceeded to the election of a President for the branch bank of the State of Alabama at Huntsville.

Mr Turner placed in nomination, the name of **STEPHEN S. EWING**, and in obedience to the law upon that subject, submitted the following statement in writing:

"Stephen S. Ewing, upon examination, owes no bank in this State, either as principal or security; has been President of the branch bank at Huntsville, for the year 1841; has given general satisfaction to the citizens in the vicinity of the bank and all others, so far as we know. He is well qualified to discharge the duties of President of the said branch bank.

December 27, 1841.

Signed,

D. B. TURNER, Senator
from Madison county, and
D. MOORE.

Those who voted for Mr Ewing, are messrs President, Alston, Andress, Baylor, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Ross, Reese, Rodgers, Thornton, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Lowndes, Allen, Armbrister, Bishop, Bradley, Cain, Chiles, Clemens, Crenshaw, Davis of B., Davis of L., Erwin, Garland, Gresham, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Hendricks, Henry, Hogan, Houston, Hunter, James, Jones, of Con., Jones of M., Jefferson, Jemison, Justice, Kennedy, King, Marchbanks, Mason, B. McAlpin, S. McAlpin, McMillion of B., Mitchell, Moore, Moors, Morgan, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Rushing, Scott, Smith of J., Smith of L., Smith of T., Steel, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Wallace, Ware, Winston, Woodward, Wynn and Young, of the House.

Mr Ewing having received the whole number of votes given, Mr Speaker declared him duly elected President of the branch bank of the State of Alabama at Huntsville.

They next proceeded to the election of six Directors of said branch bank.

Mr Turner placed in nomination the names of messrs **GEORGE STEELE**, **JOSEPH C. BRADLEY**, **GEORGE W. NEAL**, **THOMAS BRANDON**, **JOHN J. FACKLER**, and **JOSEPH RICE**, and submitted in relation thereto, the following statement:

"We, the undersigned know each and every one of the above named persons to be solvent, punctual and business men, and well qualified to discharge the duties of bank Director. As we have not had time to examine their in-

debtedness as the law requiring their indebtedness to be stated, only passed on this day, we will state that they are all and each of them, fully solvent, and able to pay all their liabilities, in and out of bank; and no fears need be entertained that they will not discharge their duties well and according to law."

DAVID MOORE,
THOS. HAUGHTON,
GEO. T. JONES,
J. CLEMENS, of the House.
D. B. TURNER, of the Senate.

John J. Fackler owes on his account, upon examination, in the State bank and branches; three thousand dollars—is not security for one dollar in said banks; has been a Director of the branch bank at Huntsville for the last two years, and so far as I know has given general satisfaction. He has been a dry goods merchant in Huntsville for the last eighteen years. Has always been considered a safe merchant, and a man of steady business habits. I have never known him under protest, or sued upon any just debt. I believe his election would give general satisfaction to the citizens of Madison county, and all others acquainted with his business habits.

D. B. TURNER, of the Senate.

I have been acquainted with Mr Fackler for seventeen years; am not acquainted with his indebtedness to the banks, but from my knowledge of him, fully concur with the other statement made by D. B. Turner.

HARRY I. THORNTON.

Mr Wilson of Jackson, placed in nomination Wm. A. AUSTIN, of Jackson county, for Director of said branch bank at Huntsville, and submitted the following statement.

"His indebtedness (as the reports show) to the banks of this State, as principal, is \$775, and as endorser \$350: we believe him to be solvent, honest and well qualified to discharge the duties of bank Director.

THOMAS WILSON,
W. M. KING,
P. ARMBRISTER,
JAMES SMITH,
WM. L. GRIFFIN.

I have known Wm. A. Austin for several years; he is a man of business habits; has been a Director of the branch bank at Huntsville, and has discharged the duties (from information,) faithfully, and to the interest of the institution.

D. B. TURNER.

Those who voted for Mr Austin are, messrs Alston, Address, Baylor, Buford, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin and Wilson of J., of the Senate; and messrs Alexander, of Land, Alexander of Lowndes, Allen, Armbrister, Barker, Barron, Bishop, Cain, Chiles, Clemens, Crenshaw, Davis of B., Davis of L., Erwin, Garland, Gresham, Griffin of J., Griffin of M., Hammond, Heflin, Hendricks, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of C., Jones of M., Jefferson, Jemison, Justice, Kidd, King, Marchbanks, Mason, B. McAlpin, S. McAlpin, McMillion of J., Mitchell, Moore, Moors, Morgan, Norman, Norris, Perkins, Randolph, Rice, Rodgers, Rushing, Smith of J., Smith of L., Smith of T., Steele, Storrs, Taylor,

Troup, Valliant, Walker of B., Walker L., Wallace, Ware, Winston and Woodward of the House.—89.

Those who voted for Mr Brandon are, messrs President, Alston, Address, Baylor, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones, Lea, McClanahan, McConnell, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Lowndes, Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Crenshaw, Davis of L., Erwin, Garland, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Hendricks, Henslee, Hogan, Houston, Hunter, James, Jones of con., Jones of M., Justice, Kidd, King, Marchbanks, B. McAlpin, McMillion of B., McMillion of J., Moore, Morgan, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of J., Smith of L., Smith of T., Steele, Taylor, Troup, Valliant, Walker of B., Wallace, Winston, Woodward and Wynn, of the House.—82.

Those who voted for Mr Bradley, are messrs President, Buford, Clarke, Creagh, Dent, Hall, Hudson, Jones, King, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin and Turner, of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Lowndes, Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Crenshaw, Davis of B., Erwin, Garland, Gresham, Griffin of J., Griffin of M., Haughton, Heflin, Hendricks, Henry, Henslee, Hogan, Houston, Hunter, Jones of con., Jefferson, Jemison, Justice, Kidd, King, Marchbanks, Mason, S. McAlpin, McMillion of B., McMillion of J., Mitchell, Moore, Moors, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Rushing, Scott, Smith of J., Smith of L., Smith of T., Storrs, Troup, Valliant, Walker of B., Walker of L., Wallace, Ware, Winston and Wynn of the House.—82.

Those who voted for Mr Fackler are, messrs President, Alston, Address, Baylor, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Lowndes, Allen, Barker, Barron, Bradley, Chiles, Clemens, Crenshaw, Davis of B., Davis of L., Erwin, Garland, Gresham, Griffin of J., Hammond, Haughton, Heflin, Hendricks, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of Con., Jones of M., Jefferson, Jemison, Justice, King, Marchbanks, Mason, B. McAlpin, S. McAlpin, Mitchell, Moore, Moors, Morgan, Norman, Norris, Norwood, Perkins, Phillips, Rodgers, Rushing, Scott, Smith of L., Smith of T., Steele, Storrs, Taylor, Troup, Valliant, Walker of B., Walker of L., Wallace, Ware, Winston, Woodward and Wynn of the House.—87.

Those who voted for Mr Neal are, messrs President, Alston, Address, Baylor, Buford, Clarke, Creagh, Foster, Hall, Hudson, Hunter, King, Lea, McAllister, McConnell, Oliver, Ross, Rodgers, Thornton, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Alexander of L., Armbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Crenshaw, Davis of B., Davis of L., Erwin, Garland, Gresham, Griffin of J., Griffin of M., Hammond, Haughton, Hendricks, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of M., Jefferson, Jemison, Justice, Kidd, King, Marchbanks, Mason, B. McAlpin, S. McAlpin, McMillion of J., Mitchell, Moors, Morgan, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rushing, Scott, Smith of J., Smith of L., Smith of T., Steele, Storrs, Valliant,

Walker of B., Walker of L., Wallace, Ware, Woodward and Wynn of the House.—81.

Those who voted for Mr Rice are, messrs President, Alston, Andress, Baylor, Clarke, Creagh, Dent, Foster, Hall, Hunter, Jones, King, McAllister, McClanahan, Phillips, Reese, Ross, Rodgers, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Allen, Bishop, Bradley, Cain, Clemens, Davis of B., Davis of L., Gresham, Griffin of M., Hammond, Haughton, Heflin, Hendricks, Henry, Houston, James, Jones of Con., Jones of M., Jefferson, Jemison, Kidd, Marchbanks, Mason, B. McAlpin, S. McAlpin, McMillion, of B., McMillion of J., Mitchell, Moore, Moors, Morgan, Norwood, Phillips, Randolph, Rice, Rodgers, Scott, Smith of J., Smith of T., Steele, Storrs, Taylor, Troup, Walker, of L., Ware, Winston, Woodward and Wynn of the House.—72.

Those who voted for Mr Steele, are messrs President, Alston, Andress, Baylor, Buford, Clarke, Dent, Foster, Hall, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Lowndes, Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Crenshaw, Davis of B., Davis of L., Erwin, Garland, Gresham, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Henry, Henslee, Hogan, Hunter, James, Jones of Con., Jones of M., Jefferson, Jemison, Justice, Kidd, King, Mason, B. McAlpin, S. McAlpin, McMillion of B., McMillion of J., Mitchell, Moore, Moors, Morgan, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Rushing, Scott, Smith of J., Smith of L., Steele, Storrs, Taylor, Troup, Valliant, Walker of B., Walker of L., Wallace, Ware, Winston, Woodward and Wynn of the House.

Messrs Austin, Brandon, Bradley, Fackler, Neal and Steele, having received a majority of the whole number of votes given, Mr Speaker declared them duly elected Directors of the branch of the bank of the State of Alabama at Huntsville.

The two houses next proceeded to the election of a President for the branch of the bank of the State of Alabama at Decatur.

Mr McClanahan placed in nomination the name of JAMES FENNELL, and in relation thereto submitted the following statement in writing:

"James Fennell owes the branch bank at Decatur, as principal, the sum of \$1200. I believe he is not indebted to any other bank in the State; he is a man not embarrassed, so far as I know or believe. I believe him perfectly solvent and well qualified to discharge the duties of President of the Decatur bank, for which office I beg leave to place his name in nomination.

MILTON McCLANAHAN."

Those who voted for Mr Fennell are of the Senate messrs President, Alston, Andress, Buford, Clarke, Creagh, Dent, Hall, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, Oliver, Ross, Rodgers, Thornton, Toulmin, Turner and Wilson of J.; of the House, messrs Speaker, Alexander of Laud., Alexander of Lowndes, Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Crenshaw, Crawford, Davis of B., Davis of L., Erwin, Garland, Gresham, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Hendricks, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of M., Jefferson, Jemison, Justice, Kennedy, Kidd,

King, Marchbanks, Mason, B. McAlpin, S. McAlpin, Mitchell, Moore, Morris, Morgan, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rodgers, Rushing, Scott, Smith of J., Smith of T., Steele, Storrs, Taylor, Troup, Valliant, Walker of B., Walker of L., Wallace, Ware, Winston, Woodward and Young.—93.

Mr Fennell having received the whole number of votes given, Mr Speaker declared him duly elected President of the branch of the bank of the State of Alabama at Decatur.

The two houses next proceeded to the election of six Directors of the branch bank of the State of Alabama at Decatur.

Mr Norman placed in nomination the name of **GEORGE W. CARROLL**, for Director, and in relation thereto, submitted the following in writing:

"Upon examination I find his indebtedness, on the 30th October last, stated to be as follows, viz:

As principal at Decatur bank,	-	-	-	\$4,865 89
" Huntsville bank,	-	-	-	1,200 00
Total indebtedness as principal,	-	-	-	\$6,065 89
I find him liable as endorser at the Decatur bank,	-	-	-	\$3,316 16
				\$9,382 05

I believe he is not indebted to any other bank in this State. He is a man of large estate; unincumbered, so far as I know or believe; and his experience in the board of Directors at Decatur, makes him well qualified to discharge his duties as such.

F. G. NORMAN."

Mr Smith of Lauderdale placed in nomination the name of **Samuel P. Probasco** for director, and in relation thereto, submitted the following in writing.

"From the best information I can obtain, Mr Samuel P. Probasco of Florence is not indebted to the bank one cent. He is in every respect well qualified to discharge the duties incumbent upon a director of the branch bank at Decatur.

H. SMITH, of Lauderdale."

Mr Valliant placed in nomination the name of **John Glass** for director, and in relation thereto, submitted the following in writing:

"He has been a director in the branch bank at Decatur for the two last years, and has given general satisfaction, so far as I know. He owes said bank \$2,400 00, and owes no other bank as the returns show. He is perfectly able to pay all his liabilities, and is a man of unusual punctuality in all his dealings, and I consider him well qualified for bank director.

D. H. VALLIANT."

Mr Troup placed in nomination the name of **John T. Rather** for director, and in relation thereto, submitted in writing the following statement:

"Upon examination it appears that he owes, as principal, at the Decatur bank \$200, as endorser \$270; he also owes the State bank as principal \$734. I believe him to be a solvent man, and a good director; he is one of the present board at that place. This 27th Dec. 1841,

M. W. TROUP."

Mr Davis of Limestone placed in nomination the name of **James C. Ma-**

lone for director, and in relation thereto submitted in writing, the following statement:

"Mr Malone is indebted to said branch bank at Decatur, in the sum of \$500, and able to pay ten times that amount; no other liabilities to any bank to my knowledge, and well qualified to discharge the duties of bank director, and not under protest. 27th Dec. 1841.

NATH'L DAVIS,

JNO. H. J. WYNN, of Limestone county."

Mr Terry also submitted in writing, the folling statement;

"James C. Malone stands indebted to the banks in the round sum of \$500; and is perfectly solvent; is a planter of some eminence; has been a director in the branch bank at Decatur for the last three years. He is a man of unblemished moral character, and in every respect well qualified for bank director, and a man in whom all who know him confide, and for the correctness of this statement. I hold myself responsible to God and the country.

December 27, 1841.

NATH'L TERRY."

Mr Kennedy placed in nomination the name of Baylor B. Barker for director, and in relation thereto, submitted the following in writing:

"He is liable to the branch bank at Huntsville as principal on a note, for \$1,333 00, with Jno. B. Dilahunt, Joseph Brisbane, James Thompson and George M. Savage as securities. Five per cent of said debt is due on the 21st January next; is not under protest. I believe the debt perfectly good, and that Barker is responsible and capable to discharge the duties of the office.

JOHN S. KENNEDY.

Mr McClanahan placed in nomination the name of Thomas Lile for director, and in relation thereto, submitted in writing, the following statement:

"Thomas Lile owes the banks nothing; he is perfectly solvent, and his long services as a director at the Decatur bank, render him well qualified to discharge his duty as such, and I therefore beg leave to place his name in nomination for the office.

MILTON McCLANAHAN."

Mr Rodgers placed in nomination the name of David H. Walker for director, and in relation thereto, submitted, in writing, the following statement:

"He is not indebted to any bank, either directly or indirectly, a cent; is clear of embarrassment in any way, and worth some twenty or thirty thousand dollars, and well qualified to make a good and safe bank director,

HUGH M. RODGERS."

Mr McClanahan placed in nomination the name of Jesse W. Garth for director, and in relation thereto submitted the following statement in writing:

"Jesse W. Garth owes the branch bank at Decatur the sum of \$800. He is a man well qualified to discharge the duties of bank director. He is perfectly solvent, and unembarrassed. I ask leave to place his name in nomination for director of the branch bank at Decatur.

MILTON McCLANAHAN."

MESSRS BARKER, CARROLL, GARTH, GLASS, LILE, MALONE, PROBACCO, RATHER and WALKER, being in nomination,

Those who voted for Mr Barker are, messrs Alston, Address, Buford, Clarke, Hall, Hudson, Hunter, King, Lea, McAllister, McConnell, Oliver, Rodgers, Thornton, Toulmin and Wilson of J., of the Senate; and messrs Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Crenshaw, Crawford, Davis of B., Erwin, Garland, Gresham, Griffin of J., Griffin of M., Haughton, Heflin, Hendricks, Henry, Henslee, Houston, James, Jones of Con., Jefferson, Justice, Kennedy, Kidd, King, Mason, B. McAlpin, McLemore, Moore, Morgan, Norris, Norwood, Rice, Rodgers, Rushing, Scott, Smith of T., Smith of J., Steele, Storrs, Wallace, Ware and Woodward, of the House—66.

Those who voted for Mr Carroll are, messrs President, Baylor, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Lea, McAllister, McClanahan, McConnell, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner and Wilson of J., of the Senate; and messrs Alexander of Laud., Alexander of Lowndes, Armbrister, Barker, Barron, Bishop, Chiles, Clemens, Gresham, Crawford, Davis of B., Davis of L., Erwin, Garland, Gresham, Griffin of J., Griffin of M., Haughton, Henry, Hogan, Houston, James, Jones of M., Jemison, Kidd, Marchbanks, B. McAlpin, McLemore, McMillion of B., McMillion of J., Mitchell, Moors, Morgan, Norman, Norris, Perkins, Phillips, Rice, Rushing, Scott, Smith of J., Smith of L., Steele, Storrs, Troup, Valliant, Walker of Law., Wallace, Winston and Woodward of the House—71.

Those who voted for Mr Garth are, messrs President, Alston, Address, Clarke, Creagh, Dent, Foster, Hall, Henry, McClanahan, Oliver, Phillips, Reese, Ross, Rodgers, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Lowndes, Armbrister, Barron, Bishop, Bradley, Cain, Crenshaw, Davis of B., Garland, Hammond, Haughton, Heflin, Henry, Kogan, Houston, Hunter, Jones of Con., Jones of M., Jefferson, Jemison, Kidd, King, Mason, Marchbanks, McLemore, Moors, Mitchell, Morgan, Norman, Norwood, Perkins, Randolph, Rodgers, Scott, Smith of L., Troup, Wallace, Ware, Winston, Wynn and Young, of the House—59.

Those who voted for Mr Glass are, messrs President, Baylor, Clarke, Dent, Hudson, McClanahan, McConnell, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Armbrister, Barker, Bishop, Bradley, Chiles, Crawford, Davis of L., Griffin of J., Griffin of M., Hendricks, Henslee, Hogan, Houston, Hunter, James, Jones of M., Jefferson, Jemison, Justice, King, Marchbanks, Mason, B. McAlpin, McMillion of B., McMillion of J., Mitchell, Morgan, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Smith of J., Smith of L., Steele, Storrs, Troup, Valliant, Walker of Law., Wallace, Woodward, Wynn and Young, of the House—63.

Those who voted for Mr Lile are, messrs President, Alston, Address, Baylor, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, King, McAllister, McClanahan, McConnell, Phillips, Reese, Ross, Thornton, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Allen, Armbrister, Bishop, Bradley, Clemens, Crenshaw, Davis of B., Davis of L., Erwin, Garland, Hammond, Haughton, Heflin, Hendricks, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of Con., Jones of M., Jemison, Justice, Kennedy, Kidd, King, Marchbanks, McAllister, B. McAlpin, McMillion of B., McMillion of J., Mitchell, Moore, Morgan, Norman, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of J., Smith of L., Smith of T., Steele, Storrs,

Troup, Valliant, Walker of Law, Wallace, Winston, Woodward, Wynn and Young, of the House—78.

Those who voted for Mr Malone are, messrs President, Alston, Address, Baylor, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, King, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin and Turner, of the Senate; and messrs Speaker, Alexander of Lowndes, Allen, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Crawford, Davis of B., Davis of L., Erwin, Gresham, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of Con., Jones of M., Jefferson, Jemison, Justice, Kidd, Marchbanks, B. McAlpin, McMillion of B., McMillion of J., Mitchell, Moore, Moors, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of J., Smith of T., Steele, Storrs, Troup, Valliant, Walker of Law, Ware, Winston, Woodward, Wynn and Young—48.

Those who voted for Mr Probasco are, messrs Buford, Creagh, Hunter, Lea, McAllister and Oliver, of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Lowndes, Allen, Barker, Cain, Davis of L., Gresham, Hammond, Heflin, Hendricks, Jones of M., Kennedy, Marchbanks, McLemore, McMillion of J., Moore, Moors, Morgan, Norman, Phillips, Scott, Smith of L., Smith of T., Steele, Ware, Winston and Young, of the House—34.

Those who voted for Mr Rather are, messrs President, Alston, Address, Baylor, Dent, Hall, Hudson, Hunter, King, Lea, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Thornton and Toulmin, of the Senate; and messrs Speaker, Allen, Armbrister, Barker, Barron, Bradley, Cain, Chiles, Clemens, Crenshaw, Crawford, Davis of B., Davis of L., Erwin, Garland, Gresham, Griffin of J., Griffin of M., Hammond, Hendricks, Henry, Henslee, Hogan, Hunter, James, Jones of Con., Jefferson, Jemison, Justice, Kidd, King, Mason, B. McAlpin, McLemore, McMillion of J., Mitchell, Moore, Moors, Norris, Norwood, Perkins, Randolph, Rodgers, Rushing, Scott, Smith of J., Smith of T., Storrs, Troup, Valliant, Walker of Law, Wallace, Ware, Woodward, Wynn and Young, of the House—74.

Those who voted for Mr Walker are, messrs Alston, Address, Baylor, Buford, Creagh, Foster, Hall, Hunter, King, Lea, McAllister, Oliver, Ross, Rodgers and Wilson of J., of the Senate; and messrs Alexander of Laud., Alexander of Lowndes, Allen, Barker, Barron, Cain, Chiles, Clemens, Crenshaw, Crawford, Erwin, Garland, Gresham, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Hendricks, Henslee, Hunter, Jones of Con., Jefferson, Justice, Kennedy, King, Marchbanks, Mason, McLemore, Moore, Moors, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rushing, Scott, Smith of L., Smith of T., Valliant, Walker of Law, Ware, Winston and Wynn, of the House.

Messrs Barker, Carroll, Glass, Lile, Malone and Rather having each received a majority of all the votes given, Mr Speaker declared them duly elected Directors of the branch of the bank of the State of Alabama at Decatur.

The two Houses next proceeded to the election of a Quarter Master General: ELIAS FRIERSON and JAMES M. NORMENT being in nomination.

Those who voted for Mr Frierson are, messrs Baylor, Creagh, Dent, Foster, Hudson, Jones, McClanahan, McConnell, Reese, Ross, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Bishop, Clemens, Crenshaw, Davis of L., Griffin of M., Hammond, Haughton

Heflin, Hendricks, Henslee, Hogan, Houston, Hunter, James, Jones of M., King, Marchbanks, B. McAlpin, McMillion of B., McMillion of J., Mitchell, Moore, Morgan, Norman, Perkins, Phillips, Randolph, Rodgers, Rushing, Smith of J., Smith of L., Steele, Taylor, Troup, Walker of B., Winston, Woodward, Wynn and Young, of the House.

Those who voted for Mr Norment are, messrs President, Andress, Buford, Clarke, Hall, Hunter, King, Lea, Phillips, Rodgers and Thornton, of the Senate; and messrs Alexander of Lowndes, Allen, Armbrister, Barker, Barron, Bradley, Cain, Chiles, Crawford, Davis of B., Erwin, Garland, Gresham, Griffin of J., Henry, Jones of Con., Jefferson, Jenison, Justice, Kennedy, Kidd, Mason, McLemore, Moors, Norris, Norwood, Scott, Smith of T., Storrs, Valiant, Walker of Law., Wallace and Ware.

Mr Frierson having received a majority of all the votes given, Mr Speaker declared him duly elected Quarter Master General.

Having gone through the elections, the Senate withdrew to their chamber, and Mr President resumed his seat.

The Senate then adjourned until to-morrow morning 10 o'clock.

TUESDAY, Dec. 28, 1841.

The Senate met pursuant to adjournment.

Mr Toulmin, from the committee on the State bank, to whom had been referred a bill to be entitled an act to wind up the branch of the bank of the State of Alabama at Decatur, reported the same back to the Senate and asked that the committee be discharged from the further consideration thereof; in which the Senate concurred. Yeas 17—Nays 9.

Those who voted in the affirmative are, messrs President, Andress, Baylor, Brindley, Clarke, Creagh, Hall, Lea, McAllister, McClanahan, McConnell, McVay, Rodgers, Thornton, Toulmin, Turner and Wilson of J.

Those who voted in the negative are, messrs Alston, Dent, Foster, Hunter, King, Oliver, Phillips, Ross and Watrous.

Mr Thornton, from the committee on the judiciary, to whom had been referred a bill to be entitled an act for the relief of Elisha Dodson, reported that as far as the committee had been advised, there had been no decree in chancery in his case; and as they understand the constitution, it was not competent to the legislature to divorce persons, until the court of chancery shall have pronounced a decree to that effect, in which report the Senate concurred.

Mr Thornton, from the same committee to whom had been referred the petition of Sam'l Bill, in relation to out laying slaves, reported that they have had the same under consideration, and that the committee deem it inexpedient to legislate on the matters thereof; in which report the Senate concurred.

Mr Thornton, from the same committee to whom was referred a bill to be entitled an act to regulate judicial proceedings, and for other purposes, reported that they have had the same under consideration, and that it is inexpedient to pass the same: in which report the Senate concurred.

Mr Toulmin, from the committee on the State bank, to whom was referred a resolution instructing them to report a bill to repeal the charter of the branch bank at Mobile, and to place its affairs in liquidation, under the control of commissioners appointed by the Governor or the legislature, and reported the same back to the Senate as inexpedient, and asked to be discharged from the further consideration thereof.

Mr Lea moved to lay the report on the table; which was carried. Yeas 14—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, messrs President, Bradley, Clarke, Creagh, Hall, Lea, McAllister, McClanahan, McVay, Rodgers, Thornton, Toulmin, Turner and Wilson of J.

[No entry of those who voted in the negative.]

So the report was laid on the table.

Mr King moved to take from the table the bill to establish jury trials in justices courts in certain counties in this State, and to regulate the proceedings therein.

The question was on concurring in the amendment made by the House of Representatives.

Mr King moved to amend the amendment of the House by striking out the words "in Tallapoosa county are held," and insert in lieu thereof, "are authorised to be held by an act entitled an act relative to justices courts, and for other purposes in certain counties therein named, approved Feb. 5, 1840," to take effect in the last named counties, from and after the 1st April next; which was carried.

The question then recurred upon concurring in the amendment of the House as amended; which was carried.

The Senate then proceeded to the consideration of the orders of the day.

Joint resolutions authorising his Excellency the Governor to appoint a suitable person to go to Washington City to urge and settle the claims of this State growing out of the late Creek Indian hostilities, were read and adopted.

The bill to be entitled an act to regulate the action of the State bank and its several branches in the rate of interest, was read a third time and passed.

Ordered, that the title be as aforesaid.

Engrossed bill to be entitled an act to secure a homestead to every family within this State, was read a third time.

Mr Dent moved to lay the bill upon the table; which was lost. Yeas 7—Nays 18.

Those who voted in the affirmative are, messrs Andress, Creagh, Dent, Hunter, McClanahan, McVay and Watrous.

Those who voted in the negative are, messrs President, Baylor, Brindley, Clarke, Foster, Hudson, King, Lea, McAllister, McConnell, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Wilson of J. and Womack.

The question then was, shall the bill pass, which was determined in the affirmative.—Yeas 21, Nays 6.

Those who voted in the affirmative are messrs President, Andress, Baylor, Brindley, Foster, Hall, Hudson, King, Lea, McAllister, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Wilson of J. and Womack.

Those who voted in the negative are messrs Alston, Clarke, Creagh, Dent, Hunter and McClanahan.

Ordered that the title be as aforesaid.

A bill from the House of Representatives to be entitled an act to authorise Benajah King to erect a toll bridge across big Mulberry creek, was read a 2d time, and on motion of Mr Phillips, ordered to lie upon the table.

A message was received from his excellency, the Governor, by Mr Harrison.

Mr President:—His Excellency, the Governor, has this day approved and signed bills of the following titles, to wit:

An act to confirm the will of Martin Kirby deceased, late of Mobile county.

An act to establish a road court in the county of Mobile.

An act to establish a board of physicians in the town of Jacksonville; all of which originated in the Senate.

A bill from the House of Representatives to be entitled an act to amend an act entitled an act, regulating punishments under the penitentiary system, approved January 9th, 1841, was read a second time, and on motion of Mr Creagh, referred to the committee on the judiciary.

A bill from the House of Representatives to incorporate the La Fayette Artillery, was read a second time.

Mr Phillips offered the following proviso to said bill, which was adopted, to wit:

Provided also, that this charter shall at all times be subject to be repealed or modified by the General Assembly.

The constitutional rule being suspended, the bill was read a third time and passed.

Ordered that the title be as aforesaid.

A bill from the House of Representatives to be entitled an act regulating dental surgery, and for other purposes, was read a second time.

Mr McVay moved to lay it upon the table, which was lost.

The question then recurred upon ordering the bill to a third reading, which was carried.

A bill from the House of Representatives to be entitled an act to divorce Ann C. Bell from her husband, John D. Bell, was read the second time, and the constitutional rule being suspended, was read a third time forthwith and passed.

Bills from the House of Representatives of the following titles.

An act to divorce Martha Ann Ball from her husband, Fessenden Ball.

An act to divorce John Farly from his wife, Mary Farly.

An act granting certain privileges to Alexander Findley, of DeKalb county.

An act to make county claims receivable in payment of county taxes in Dale county.

An act to extend the next term of the circuit court of Greene county to 18 judicial days.

An act for the payment of the claim of Hugh P. Caffey and others.

An act for the relief of Robt. Williamson.

An act to authorize the appointment of overseers to work a certain road therein named.

An act to divorce Simeon Wheeler from his wife Catharine Wheeler.

An act to authorize the commissioners of Township No. 19, in Talladega county to do acts therein named.

An act to provide for the more effectual organization of the 24th Regiment Alabama militia.

An act to alter the mode of electing the assessor and tax collector for Montgomery county.

An act to divorce Eliza Biggs from her husband Hugh H. Biggs.

An act to abolish brigade encampment drills in the 13th brigade and 5th division.

An act to confirm the emancipation of certain persons therein named.

An act making appropriations for the payment of members of the General Assembly and the officers of the two Houses.

An act for the relief of James M. Goodwin and others.

An act to appoint an additional court house commissioners for the county of Russell, and for other purposes.

An act to incorporate the Tallapoosa Lyceum.

An act to divorce Elizabeth Steelman from her husband William Steelman.

An act for the relief of the commissioners of section 16, township 10, range 5, in the county of Wilcox.

An act in relation to the 16th section of township 11, range 9, in the county of Wilcox.

An act to confirm the emancipation of certain slaves therein mentioned, were severally read the 2nd time, and ordered to a third reading.

The bill from the House of Representatives to authorise the sale of property at the town of Fairfield, in Pickens county, and also at Greensborough, in the county of Greene, was read the 2d time, and ordered to a 3d reading.

Bills from the House of Representatives of the following titles, to wit:

An act to divorce Phillip Voiglin from his wife Mary Voiglin; and

An act to distribute the 6th census of the United States throughout this State, were read the 2d time, and the constitutional rule being suspended, they were severally read the third time forthwith and passed the Senate.

The bill to be entitled an act for the relief of the commissioners of section 16, township 22, range 25, in Chambers county, and for other purposes, was read the second time, and on motion of Mr Dent, the bill was referred to a select committee, consisting of messrs Dent, Reese and Foster.

The bill from the House of Representatives to be entitled an act to appoint public weighers in the town of Wetumpka, was read a second time and the rule being suspended, the bill was read a third time forthwith and passed.

The bill from the House of Representatives to be entitled an act to extend the charter of a turnpike road therein named, was read the second time, and on ordering it to a third reading the yeas and nays were demanded.—Yeas 23, Nays 4.

Those who voted in the affirmative are messrs President, Address, Brindley, Buford, Clarke, Foster, Hall, Hudson, Hunter, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Ross, Thornton, Toulmin, Turner, Watrous and Wilson of J.

Those who voted in the negative are messrs Alston, Baylor, Creagh and Dent.

So the bill was ordered to a third reading.

The bill to be entitled an act for the payment of certain claims against the State, was read the second time, and on motion of Mr Hudson, it was referred to the committee on accounts and claims.

The bill from the House of Representatives to be entitled an act for the relief of the tax collector of Macon county, was read the second time, and the constitutional rule being suspended, it was read a third time forthwith and passed the Senate.

The bill from the House of Representatives entitled an act to pay the heirs of Leah Fralick a certain sum therein named, was read the second time, and the constitutional rule being dispensed with, the bill was read a third time forthwith, and passed the Senate.

The bill from the House of Representatives to be entitled an act to incorporate the Florence Lyceum, was read the second time, and the constitutional rule being suspended, the bill was read the third time forthwith, and passed the Senate.

The bill from the House of Representatives to be entitled an act to divorce Kinion J. W. Gaylord from his wife Mary Ann Gaylord, was read the second time, and the constitutional rule being dispensed with, the bill was read a third time and passed the Senate.

The bill from the House of Representatives to be entitled an act to change the time of holding the county court of Lauderdale county, was read the second time, and the constitutional rule being dispensed with, the bill was read a third time forthwith and passed the Senate.

The bill to compensate messrs Watkins & Sellers for merchandise purchased of them for the use of the State of Alabama, was read the second time, and on motion of Mr Baylor it was referred to the committee on accounts and claims.

The bill from the House of Representatives to be entitled an act to divide the 71st regiment Alabama militia in the county of Randolph, and create an additional regiment, and to provide for the organization of the same, was read the second time, and the constitutional rule being suspended, the bill was read a third time forthwith and passed the Senate.

Mr Dent moved to suspend the orders of the day for the purpose of making a report, which was lost.

Joint resolutions of the Legislature of the State of Alabama to the Congress of the United States, was read and adopted.

The bill from the House of Representatives to be entitled an act for the payment of certain claims against the State, was read the 2d time, and on motion of Mr Hudson it was referred to the committee on accounts and claims.

Joint resolutions for the relief of Dillard S. Payne and others, was read the second time, and Mr Creagh moved to amend the same by inserting after the word "majority," where it occurs in the 3d line from the bottom, the words "four-fifths," which was lost; and the rule being suspended, the resolution was read the 3d time forthwith and passed the Senate.

The bill from the House of Representatives to be entitled an act for the better regulation of the management of steam boats, was read a second time, and the constitutional rule being dispensed with the bill was read the 3d time forthwith and passed the Senate.

The bill from the house of Representatives to be entitled an act to locate the seat of justice of Marion county, and for other purposes, was read the second time, and the constitutional rule being dispensed with, it was read the third time forthwith and passed the Senate.

The bill from the house of Representatives to be entitled an act to repeal

an act now in force, confining the collection of debts before a justice of the peace in the beat where the defendant resides, or where the contract was made, so far as St. Clair county is concerned, was read the second time and on motion of Mr Watrous, it was referred to a select committee, consisting of messrs Watrous, Baylor and Ross.

The bill from the house of Representatives to be entitled an act to authorize Wm. N. Thompson and his associates to build mills on the Coosa river, was read the second time, and the constitutional rule being dispensed with, the bill was read the third time forthwith and passed the Senate.

The bill from the House of Representatives to be entitled an act to divorce Evaline M. Whetstone from her husband Evans L. Whetstone, was read the 2d time, and the constitutional rule being dispensed with, the bill was read the third time forthwith, and the question being put, "shall this bill pass," it was decided in the affirmative.—Yeas 21, Nays 6.

Those who voted in the affirmative are, messrs President, Address, Baylor, Buford, Clarke, Hall, Hunter, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Toulmin, Turner, Watrous and Wilson of J.

Those who voted in the negative are, messrs Alston, Creagh, Dent, Foster, Hudson and Reese.

The bill from the House of Representatives to be entitled an act to incorporate a manufacturing company at the great falls of the Tallapoosa river, in the county of Tallapoosa, which was read the second time, and on motion of Mr Baylor, it was referred to the committee on internal improvement and inland navigation.

The bill from the House of Representatives to be entitled an act to authorise the election of an assessor and tax collector for Russell county, and for other purposes, was read the second time, and the constitutional rule being dispensed with, the bill was read the third time forthwith and passed the Senate.

The bill from the House of Representatives to be entitled an act to divorce William Eatman from his wife Sarah Eatman, was read the second time, and the constitutional rule being dispensed with, the bill was read the third time forthwith, and the question being put, "shall the bill pass," it was decided in the affirmative.—Yeas 22, Nays 5.

Those who voted in the affirmative are, messrs President, Alston, Address, Baylor, Buford, Clarke, Hall, Hunter, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Toulmin, Turner, Watrous and Wilson of J.

Those who voted in the negative are, messrs Creagh, Dent, Foster, Hudson and Reese.

The bill from the House of Representatives to be entitled an act to divorce Jane Johnson from her husband Henry Johnson, was read the second time.

Mr King moved to suspend the constitutional rule to give the bill a third reading forthwith.

Mr Reese moved to refer the bill to the committee on divorce and alimony, which was lost.

The question then recurred upon Mr King's motion to suspend, which was carried.

The bill was then read a third time and passed.

Ordered that the title be as aforesaid.

Bills from the House of Representatives of the following titles, to wit:

An act to divorce Araminta D. Stone from her husband Charles Stone, and to change the name of said Araminta D. Stone to that of Araminta D. Loftin.

An act to authorise the school commissioners therein named to build a school house.

An act divorce Diza Essman from her husband Benjamin Essman.

An act to incorporate the town of Crockettville in the county of Russell.

An act to consolidate township 15, of range 30 and 31 in Russell county.

An act to authorize the clerk of the circuit court of Randolph county to record, in his office, all deeds of conveyance acknowledged or proven before him.

An act to revive an act therein named, and for other purposes.

An act to restrain excessive taxation for county purposes in the county of Tallapoosa.

An act to consolidate the male and female academies of the town of Irwinton in Barbour county, into one body corporate.

An act to authorise Benjamin Thally, in the county of Walker, to erect a mill dam across Lost creek, in the county of Walker.

An act to change the name of a certain person therein named.

An act to incorporate the town of Camden in the county of Wilcox; and

An act for the relief of certain persons therein named, were severally read a second and third time, (the constitutional rule being suspended) and passed.

Ordered that the titles of the same be as aforesaid.

A bill from the House of Representatives for the relief of Drucilla McDow and Elizabeth Woodley, was read the second and third time, rule suspended, and passed. On its passage, Yeas 15, Nays 12.

Those who voted in the affirmative are, messrs Brindley, Buford, Clarke, Dent, Hunter, King, McAllister, McConnell, McVay, Phillips, Ross, Toulmin and Wilson of J.; and

Those who voted in the negative are, messrs President, Alston, Andress, Baylor, Creagh, Hudson, Lea, McClanahan, Oliver, Reese, Turner and Watrous.

Ordered that the title be as aforesaid.

A bill from the House of Representatives to limit the power to appropriate money out of the Treasury of the State, for books stationery, &c. for the registers in chancery, was read the second time, and on motion of Mr Hudson, ordered to lie upon the table.

A bill from the House of Representatives to be entitled an act to authorise A. J. Kidd, Benjamin C. Gay and their associates, to erect a wharf on the Tombekbee river, in the town of Demopolis, Marengo county, was read a second time.

Mr Alston offered an additional section to the bill, making Wm. H. Lyon and Golbert Breetling, partners of said Kidd and Gay, in the provisions of said bill, which was adopted; the constitutional rule being suspended, the bill was read a third time and passed.

Ordered that the title be as aforesaid.

A bill from the House of Representatives to pay certain claims therein named, was read the second time, and on motion of Mr Hudson, referred to the committee on accounts and claims.

A bill from the house of Representatives to be entitled an act to authorise Golbert Breetling and their associates to erect a wharf in the town of Demopolis, Marengo county, was read a second time, and on motion of Mr Alston, ordered to lie upon the table.

A bill to be entitled an act to establish, at Irwinton, an agency of the Montgomery branch bank, was read the second time.

Mr Buford moved to suspend the constitutional rule for the purpose of giving the bill a third reading forthwith, which was lost.

Mr Rodgers to refer to the committee on the State bank, which was carried.

Mr Dent, from the select committee to whom had been referred a bill from the House of Representatives, for the relief of the commissioners of 16th section, township 22, range 25, in Chambers county, and for other purposes, reported the same back to the Senate, and recommended its passage.

The constitutional rule being suspended the bill was read the third time, and passed.

Ordered that the title of the same be as aforesaid.

Mr Watrous, from the select committee to whom had been referred a bill from the House of Representatives to be entitled an act to repeal an act now in force, confining the collection of debts in the beat where the defendant resides, or where the contract was made, so far as St Clair county is concerned, reported the same back to the Senate, amended as therein shewn, and recommended its passage.

The amendments were concurred in by the Senate.

Mr Watrous moved to suspend the constitutional rule for the purpose of giving the bill a third reading forthwith; which was lost.

The question then was on ordering the bill to a third reading, which was carried.

Mr Alston from the select committee, to whom had been referred a bill from the House of Representatives, requiring the clerk of the circuit and county courts of Marengo county, to keep a reversed index in all cases decided in their respective courts, and for other purposes, reported the same back to the Senate without amendment, and recommended its passage. The constitutional rule being suspended, the bill was read a third time and passed.

Ordered, that the title of the bill be as aforesaid.

On motion of mr Address :

Resolved, that with the concurrence of the House of Representatives, the two houses will assemble in the hall of the house at half after 6 o'clock, on Thursday night, for the purpose of electing a Judge of the county court for Covington county: A Trustee of the University for the first, and one for the 10th judicial circuits: A Judge of the county court of Henry county: A Judge of the county court of Dale; and a medical board for the town of Florence.

On motion of mr McClanahan, the Senate then adjourned until 4 o'clock this evening.

EVENING SESSION, Dec. 28, 1841.

The Senate met pursuant to adjournment.

A message was received from the House of Representatives, by Mr Cook :
Mr President,--The House of Representatives have passed the following bills, which originated in the Senate.

An act for the relief of Reuben Lackey, tax collector of Jackson county.

An act to incorporate the Howard College in Marion, Perry county.

An act to incorporate the Washington Monroe male and female academy at Puryearville, Monroe county.

An act to authorise the tax collector of Jackson county, to receive jurors certificates as state claims that have become a county charge, in payment of taxes due said county.

An act to amend an act to incorporate the Tuscaloosa Guards, and have amended the same as therein shown.

An act to amend the charter of the Alabama life insurance and trust company of Mobile.

An act to amend an act entitled an act for the government of the port and harbor of Mobile, approved Dec. 23d 1822.

An act the better to enable the collection of debts due the bank of Mobile,

An act authorising a special term of the chancery court for the second district, southern division.

An act regulating the weighers of cotton in the city of Mobile and for other purposes.

The house of Representatives concur in the amendments made by the Senate to the following bills.

An act to establish certain election precincts therein named, and for other purposes.

An act to create a certain county therein named, and for other purposes.

An act to incorporate the Tallapoosa manufacturing company; and

An act to provide for the digesting the laws of the State of Alabama.

The Senate refused to concur in the amendments of the House to the bill incorporating the Tuscaloosa Guards.

Another message by Mr Cook :

Mr President,--The House of Representatives have passed bills of the following titles, which originated in the House of Representatives.

An act to incorporate Oak Grove male and female academy in Pickens county.

An act to compel certain persons therein named to work on roads.

An act to prolong the charter of a certain turnpike road therein named and,

An act to attach a part of Montgomery county to the county of Lowndes: in all of which they respectfully ask the concurrence of your honorable body.

A bill from the House of Representatives to attach a part of Montgomery to the county of Lowndes; was read the first and second time, and on motion of Mr Oliver, referred to a select committee: whereupon messrs Oliver, Creagh and Hudson, were appointed said committee.

A bill from the House of Representatives to prolong the charter of a certain turnpike road therein named, was read the first and second time, and on motion of Mr Hudson, referred to the committee on roads, bridges and ferries.

A bill from the House of Representatives to be entitled an act to compel certain persons therein named, to work on roads; was read the first and second time, and on motion of Mr McClanahan, referred to the committee on roads, bridges and ferries.

The bill from the House of Representatives, to be entitled an act to incorporate Oak Grove male and female academy, was read three times (the constitutional rule being suspended) and passed the Senate.

A message was received from the House of Representatives by Mr Tunstall:

Mr President,—The House of Representatives disagree to the amendments made to the bill to extend and change the time of holding the spring terms of the circuit courts of certain counties therein named; and

On motion of Mr Phillips, the Senate receded from their amendments to said bill.

Mr Oliver from the select committee, to which was referred the bill to attach a part of the county of Montgomery, to the county of Lowndes, reported the same back to the Senate and recommended its passage.

The bill was then read a second time, and the constitutional rule being dispensed with, was read the third time forthwith and passed.

Mr Buford presented the account of John McRae; which was referred to the committee on accounts and claims.

Mr Alston from the committee on divorce and alimony, to whom was referred a bill to be entitled an act to divorce John F. Lehr from his wife Sally Lehr reported the same back to the Senate, and recommended its passage.

The bill was then read, and on motion of Mr Hudson, the bill was laid upon the table.

Mr Rodgers from the committee on enrolled bills, reported that they had examined and found correctly enrolled:

An act to provide for the digesting the laws of the State of Alabama.

The following message was received from his Excellency the Governor, by Mr Harrison.

Mr President,—His Excellency the Governor, did on this day, approve and signed bills of the following titles, to wit:

An act to change the mode of assessing and collecting the taxes for the county of Jackson.

An act in relation to certain school lands in Talladega, purchased by F. Hall, R. R. Chilton and others, in Benton county.

An act authorising the commissioners court of Talladega county, to lay a tax for certain purposes.

An act to compensate Robert Nelson.

An act to incorporate the Stockton steam boat and ware house company, in the county of Baldwin.

An act to incorporate the town of Vienna, in the county of Pickens.

Joint resolutions of the General Assembly of the State of Alabama, concerning purchasers of 16th sections; which bills originated in the Senate.

On motion of Mr Clarke, the Senate then adjourned until a quarter past 6 o'clock this evening.

AT A QUARTER PAST 6 o'clock.

The Senate met pursuant to adjournment.

The Senate then repaired to the hall of the House for the purpose of going into certain elections, and were seated; Mr President then announced the object of their meeting.

The two houses then proceeded to the election of a President of the bank of the State of Alabama at Tuscaloosa.

Mr Dent placed in nomination, the name of JOHN MARRAST, for President, and in pursuance of the late act of the legislature submitted in writing, the following statement.

Dr John Marrast's entire indebtedness, is \$4,258 00 in the State Bank at Tuscaloosa, as principal; this includes his entire liability to the bank of the State and its branches as principal, acceptor, endorser or security.

Dr Marrast has been President of the bank of the State of Alabama for two years past, and has given so far as we can ascertain, full satisfaction, and the delegation are unanimous in recommending his re-election.

D. DENT, of the Senate.

R. JEMISON,

J. MITCHELL,

H. PERKINS, of the House of Representatives.

Those who voted for Mr Marrast, are messrs President, Alston, Address, Baylor, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Ross, Reese, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of J., and Womack of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Crenshaw, Davenport, Davis of B., Erwin, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Haughton, Heffin, Henslee, Houston, Hunter, James, Jones, of Con., Jones of Cov., Jefferson, Jemison, Justice, Kennedy, Kidd, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, McMillion of B., McMillion of J., Mitchell, Moore, Moors, Morgan, Musgrove, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Rushing, Scott, Smith of J., Smith of L., Smith of T., Spruill, Steele, Storrs, Valliant, Walker of B., Walker of L., Wallace, Ware, Woodward, Wynn and Young, of the House.—103.

Mr Marrast having received the whole number of votes given, Mr Speaker declared him duly elected President of the bank of the State of Alabama.

The two houses next proceeded to the election of six directors for said bank of the State of Alabama at Tuscaloosa.

Mr Perkins placed in nomination for director, the name of William Clare, and according to law, submitted in writing the following statement:

Mr Speaker, I ask leave to present Mr William Clare as a candidate for director of the bank of the State of Alabama; he informs me that he owes the State bank on his own account, \$200 and about \$300 dollars as security, and a little upward of \$2000 as security in the branch bank at Mobile, and he also informs me that his property far exceeds all his liabilities.

H. PERKINS.

December 26, 1841.

Mr Clare has been a Director for two years, and was faithful and honest in the discharge of his duties, so far as I am informed.

H. PERKINS.

Mr Smith of Tuscaloosa, placed in nomination for Director, the name of Marion Banks, and according to law, submitted in writing, the following statement.

Mr Speaker, I ask leave to nominate for Director of the bank of the State of Alabama, Marion Banks of Tuscaloosa county. Mr Banks is not indebted to any of the banks of this State, in any sum whatever; nor liable to any of them, either for himself or any one else. He is a citizen of high reputation, of most untarnished character—is well qualified to discharge the duties of Director, and has ample and unincumbered resources; he is looked upon as one of the most substantial citizens in this community.

WM. R. SMITH.

We fully concur in the statement above made.

DENNIS DENT,
J. MITCHELL,
R. JEMISON,
H. PERKINS.

Mr Smith of Tuscaloosa also placed in nomination for Director, the name of Robert Ellison, and according to law, submitted in writing, the following statement:

Mr Speaker, I ask leave to nominate Robert Ellison, as a candidate for Director of the bank of the State of Alabama. Mr Ellison is not indebted to any of the banks of this State, and is in no way liable to any of them either for himself or any body else. He is a man of high reputation—of unexceptionable character, well qualified to discharge the duties of the office of Director and is in possession of an ample and unincumbered estate.

WM. R. SMITH.

We fully concur in the statement above made.

DENNIS DENT,
JABEZ MITCHELL,
R. JEMISON,
H. PERKINS.

Mr Jemison placed in nomination for director, the name of Mr E. B. Vaughn, and according to law, submitted the following statement in writing:

Mr Speaker: I ask leave to place in nomination for the appointment of director of the bank of the State of Alabama, the name of E. B. Vaughn; agreeable to the provisions of the late act upon the subject, I submit the accompanying statement of Mr Vaughn's liabilities to the banks, and of his solvency, &c., from which it will appear that he is not under protest.

R. JEMISON.

E. B. Vaughn's liabilities as principal and security to the bank of the State of Alabama.

TUSCALOOSA, Dec. 28, 1841.

On W. Bank's note, due March 6th, 1842,	:	:	:	\$399 00
On Jno. Marrast's note, April. 20, 1842,	:	:	:	4,258 00
On Wm. Marrast's note, due June 4, 1842,	:	:	:	54 00
On Elijah Shelton's note, due April 25, 1842,	:	:	:	280 00
On W. Bank's note, due May 16, 1842,	:	:	:	560 00
On J. H. Thomason's note, due June 4, 1842,	:	:	:	1,453 00
On R. Haywood's bill, due March 2, 1842,	:	:	:	291 58
On J. H. Parker's bill, due March 24, 1842,	:	:	:	368 00

On J. Glascock's bill, due march 8, 1842,	:	:	:	1,000 00
On J. Patton's note, due may, 27, 1842,	:	:	:	1,471 00
On J. Patton's note, due may 27, 1842,	:	:	:	2,896 00
On A. J. Kidd's note, due June 4, 1842,	:	:	:	445 00
On D. C. Hewill's note, due June 4, 1842,	:	:	:	1,926 00
On D. C. Hewill's note, due may 9, 1842,	:	:	:	1,687 00
On R. H. Lewis' note, due April 25, 1842,	:	:	:	1,175 00

\$18,265 .58

All the notes above mentioned, were extended under the law of Feb, 1840, and are due during the year 1842, for the curtailments (20 per cent.) only and interest.

Mr Vaughan owes no bank on his own account, and his liabilities as above, do not lessen his solvency, as the persons are all of them fully responsible for their debts without his name. If elected, he will immediately reduce his liabilities within the amount limited by law.

Mr Vaughan is an extensive and successful planter, as well as a good and safe merchant, and regarded by all who know him, as one of the most prudent and safe men in business amongst us, and in every way highly responsible and trust worthy, and eminently qualified to discharge the duties of director.

We would further state that the foregoing constitute pretty nearly the whole of Mr Vaughan's liabilities in or out of bank, and that if he had the whole amount to pay, (no part of which there is any likelihood of his having to pay,) he could do it without very serious inconvenience or embarrassment.

R. JEMISON,
JABEZ MITCHELL,
DENNIS DENT,
H. PERKINS,
W. R. SMITH.

Mr Dent placed in nomination for directors of the bank of the State of Alabama, the following names, to wit: messrs James Hogan, James Guild, John Owen and Joel White, they being the old directors of said bank, and according to law, submitted in writing the following statement:

The above named gentlemen are, and have been directors for the bank of the State of Alabama for some years past, they have, as far as we know, given general satisfaction, and would still do so if re-elected. They are all resident citizens of the town of Tuscaloosa, and have been for upwards of twenty years, with the exception of Mr White, who has resided here upwards of ten years; they are all respectable, safe, prudent men in business, and fully able to meet their liabilities in or out the bank.

James Hogan owes on his own account, \$5,000, and not liable for any other person.

James Guild does not now, nor ever has, owed the bank since he has been a director.

John Owen owes seven thousand four hundred dollars; five thousand of which he has assumed for another, and not a contract originally of his own.

Joel White owes on his own account,	:	:	:	\$2,369 00
His liabilities as endorser for others,	:	:	:	1,269 00

\$3,638 00

Neither of the above gentlemen are under protest.

Also, the following annexed statement in writing, nominating messrs Marion Banks, James H. Dearing, James Somerville and Robert Ellison.

The above named gentleman are all resident citizens of the city and its immediate vicinity, and are highly respectable and competent for directors in the bank of the State if elected; they are unincumbered, and several of them are men of considerable property, and all fully able to meet their liabilities.

Capt. Dearing was a director in this bank from the year 1825 to 1832.

Robert Ellison is not indebted to the bank on his own account, or on account of any other person.

Marion Banks is not indebted to the bank on his own account, or on account of any other person.

James Somerville is indebted to the bank on his own account, \$680, and as endorser for others, \$9,025.

The above under protest.

James Dearing is indebted to the bank in the sum of \$847—as endorser for others, \$3,000.

Signed

DENNIS DENT, of the Senate,

R. JEMISON,

H. PERKINS,

W. R. SMITH, and

J. MITCHELL, of the House.

Those who voted for mr Banks are, messrs President, Alston, Address, Baylor, Buford, Creagh, Dailey, Foster, Hall, Hudson, Hunter, Jones, King, Lea, McVay, Oliver, Phillips, Ross, Toulmin and Watrous, of the Senate; and messrs Alexander of Laud., Alexander of Low., Allen, Armbrister, Bradley, Cain, Chiles, Clemens, Crenshaw, Crawford, Davis of B., Erwin, Gardner, Garland, Gresham, Griffin of m., Griffin of S., Hammond, Harris, Haughton, Heflin, Hendricks, Henry, Henslee, Houston, Hunter, James, Jones of Con., Jones of Cov., Jefferson, Jemison, Justice, Kennedy, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, McMillion of J., Mitchell, Moore, Moors, Morgan, Musgrove, Norris, Norwood, Perkins, Phillips, Randolph, Rodgers, Rushing, Scott, Smith of J., Smith of L., Smith of T., Spruill, Steele, Storrs, Valliant, Walker of B., Wallace, Ware, Winston and Woodward, of the House—84.

Those who voted for mr Clare are, messrs President, Baylor, Creagh, Hall, Hudson, Lea, McAllister, McClanahan, McConnell, McVay, Ross, Rodgers and Toulmin, of the Senate; and messrs Speaker, Alexander of Laud., Armbrister, Bishop, Chiles, Clemens, Erwin, Garland, Griffin of J., Haughton, Henry, Henslee, Hogan, James, Kidd, Mason, B. McAlpin, McMillion of B. moore, Morgan, Musgrove, Phillips, Rice, Smith of J. Smith of L., Steele and Taylor, of the House—40.

Those who voted for Mr Dearing are, messrs President, Alston, Address, Baylor, Buford, Foster, Hall, Hunter, Lea, McAllister, McClanahan, McVay, Oliver, Phillips, Reese, Rodgers, Toulmin, Turner, Watrous, Wilson of J. and Womack, of the Senate; and messrs Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Cain, Cochran, Crawford, Davenport, Garland, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Hendricks, Houston, Hunter, Jones of Con., Jones of Cov., Jefferson, Kidd, Marchbanks, B. McAlpin, S. McAlpin, McLemore, McMillion of B., Moore,

Morgan, Musgrove, Norman, Phillips, Randolph, Rushing, Smith of J., Smith of L., Steele, Taylor, Walker of B., Walker of Law., Winston and Wynn—65.

Those who voted for Mr Ellison are, messrs Clarke, Creagh, Hall, Jones, McAllister, McConnell, Oliver, Phillips, Reese, Thornton, Toulmin, Turner, Wilson of J. and Womack, of the Senate; and messrs Alexander of Laud., Alexander of Low., Allen, Armbrister, Bishop, Chiles, Cochran, Crenshaw, Crawford, Davenport, Erwin, Gresham, Griffin of J. Henry, Hogan, Houston, Hunter, Kennedy, B. McAlpin, McMillion of B., McMillion of J., Moore, Norman, Perkins, Randolph, Rice, Rodgers, Smith of T., Steele, Storrs, Troup, Valliant, Walker of B., Walker of Law., Wallace, Winston, Woodward, Wynn and Young, of the House.—53.

Those who voted for Mr Guild are, messrs President, Alston, Address, Baylor, Buford, Clarke, Creagh, Dailey, Foster, Hudson, Hunter, Jones, King, McAllister, McClanahan, McConnell, McVay, Oliver, Reese, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of J., and Womack, of the Senate; and messrs Speaker, Alexander of Laud., Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Clemens, Cochran, Crenshaw, Crawford, Davenport, Davis of B., Gardner, Garland, Gresham, Griffin of S., Hammond, Harris, Haughton, Hendricks, Henry, Heflin, Henslee, Hogan, Houston, James, Jones of Con., Jones of Cov., Jefferson, Jemison, Justice, Kidd, Marchbanks, Mason, B. McAlpin, R. McAlpin, S. McAlpin, McLemore, McMillion of B., McMillion of J., Mitchell, Moors, Morgan, Musgrove, Norman, Norris, Norwood, Randolph, Rice, Rushing, Rodgers, Scott, Smith of J., Smith of L., Smith of T., Spruill, Storrs, Taylor, Troup, Valliant, Walker of B., Walker of Law., Wallace, Ware, Winston, Woodward, Wynn and Young, of the house—98.

Those who voted for Mr Hogan are, messrs Alston, Address, Baylor, Clarke, Creagh, Dailey, Foster, Hall, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McVay, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Turner, Watrous, Wilson of J. and Womack, of the Senate; and messrs Speaker, Alexander of Low., Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Cochran, Crenshaw, Davenport, Davis of B., Erwin, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Haughton, Heflin, Hendricks, Henry, Henslee, Hogan, Jones of con., Jones of Cov., Jefferson, Jemison, Justice, Kidd, Marchbanks, Mason, B. McAlpin, S. McAlpin, McLemore, McMillion of J., Mitchell, Moore, Moors, Norman, Norris, Norwood, Perkins, Randolph, Rice, Rodgers, Scott, Smith of J., Smith of T., Spruill, Storrs, Taylor, Troup, Valliant, Walker of L., Wallace, Ware, Winston and Young, of the House.—90.

Those who voted for Mr Owen are, messrs President, Address, Baylor, Buford, Clarke, Creagh, Dailey, Foster, Hall, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Phillips, Reese, Ross, Rodgers, Thornton, Turner, Watrous, Wilson of J. and Womack, of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Lowndes, Allen, Armbrister, Barker, Barron, Bishop, Bradley, Chiles, Clemens, Davis of B., Gardner, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Haughton, Heflin, Henslee, Hogan, Houston, Hunter, Jones of Cov., Jones of Con., James, Jefferson, Jemison, Justice, Kidd, Marchbanks, Mason, R. C. McAlpin, S. McAlpin, McMillion of B., McMillion of J., Mitchell, Moors, Morgan, Musgrove, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers,

Rushing, Scott, Smith of J., Smith of L., Spruill, Steele, Storrs, Taylor, Troup, Valliant, Walker of B., Walker of L., Ware, Woodward, Wynn and Young, of the House.

Those who voted for Mr Somerville are, messrs Toulmin, of the Senate; and messrs Cochran, Crawford, Hunter, Kennedy, McLemore, Mitchell, Rushing, Smith of T. and Wallace, of the House.

Those who voted for Mr Vaughan are, messrs Alston, Buford, Clarke, Dailey, King and Turner, of the Senate; and messrs Speaker, Alexander, of Low., Barker, Barron, Bradley, Cain, Crenshaw, Davenport, Davis of B., Erwin, Gardner, Gresham, Griffin of M., Griffin of S., Harris, Hendricks, James, Jemison, Justice, Kennedy, Marchbanks, R. C. McAlpin, Mitchell, Moors, Morgan, Musgrove, Norris, Norwood, Perkins, Phillips, Rodgers, Scott, Spruill, Troup, Ware, Woodward, Wynn and Young, of the House.

Those who voted for Mr White are, messrs President, Alston, Address, Buford, Clarke, Dailey, Hudson, Hunter, Jones, King, Lea, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Watrous, Wilson of J., and Womack, of the Senate; and messrs Speaker, Allen, Barker, Bradley, Barron, Cain, Chiles, Clemens, Cochran, Crawford, Crenshaw, Davenport, Davis of B., Erwin, Gardner, Garland, Gresham, Griffin of M., Griffin of S., Hammond, Harris, Heflin, Hendricks, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of Con., Jones of Gov., Jefferson, Jemison, Justice, Kidd, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, McMillion of J., Moore, Moors, Norman, Norris, Norwood, Perkins, Phillips, Rice, Rushing, Scott, Smith of L., Smith of T., Spruill, Steele, Taylor, Storrs, Troup, Valliant, Walker of B., Walker of L., Wallace, Ware, Winston, Woodward, Wynn and Young, of the House.—93.

Messrs Banks, Dearing, Guild, Hogan, Owen and White having received a majority of the whole number of votes given, Mr Speaker declared them duly elected directors of the bank of the State of Alabama at Tuscaloosa, for the term prescribed by law.

The two Houses next proceeded to the election of President for the branch of the bank of the State of Alabama at Montgomery.

Mr Oliver placed in nomination the name of JOHN MARTIN for that office, and in obedience to an act of the general assembly upon that subject, submitted the following statement.

John Martin owes as principal, with Organ Tatum and B. Fitzpatrick as securities,

\$2,025 48

Thomas Durden as principal, Wm. H. Hansford, John Martin,

Delia Durden and Wm. Gause as securities,

\$4,378 62

We the undersigned have made the above report from the bank report of the liabilities of the President and Directors of the branch bank at Montgomery, and have no hesitancy in saying that we believe John Martin solvent and capable to act as President of the branch bank at Montgomery.

Signed

SAM'L C. OLIVER,

ROBERT J. WARE, and

JOHN STEELE.

Those who voted for Mr Martin are, messrs President, Alston, Address, Baylor, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of J.

and Womack, of the Senate; and messrs Speaker, Alexander of Laud., Alexander of L., Allen, Arnbrister, Barron, Barker, Bishop, Bradley, Cain, Chiles, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Hammond, Harris, Heflin, Haughton, Henry, Henslee, Hogan, Houston, Hunter, James, Jones of Con., Jones of Cov., Jefferson, Jamison, Kidd, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, McMillion of B., Mitchell, Moore, Moors, Morgan, Musgrove, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Rushing, Scott, Smith of J., Smith of L., Smith of T., Steele, Storrs, Troup, Valliant, Walker of B., Walker of L., Ware, Woodward, Wynn and Young, of the House.

Mr Martin having received the whole number of votes given, Mr Speaker declared him duly elected President of the branch bank at Montgomery.

The two houses next proceeded to the election of six directors for the branch bank at Montgomery.

Mr Phillips of the Senate, put in nomination the name of Jeremiah Pitman, and in relation thereto, made the following statement:

In pursuance of an act of the general assembly, we make the following statement of the indebtedness of J. Pitman to the bank of the State of Alabama and its several branches:

He is indebted to the State bank as principal,	:	\$2,000 00
Said note is under protest.		

As security for H. H. Connally and Wm. Waddill, jr., in two notes each, for two hundred dollars, both in suit; branch bank at mobile.

He is indebted as principal to the branch bank at Montgomery, with John W. Jones and Tho's J. Rice as securities, note not due, for	\$650 00
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As security for John W. Jones, with R. R. Minter, branch bank at mobile, not due,	:	:	:	:	:	\$536 70
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Total liability,	\$1,786 70
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We do not find from reports that he has any other liabilities in any of the banks; the foregoing debts are well secured, all the parties being good.

From our long acquaintance with Mr Pitman, we feel authorised to state that he is a man of strict integrity, business habits, and would make a safe and competent director.

WM. S. PHILLIPS,
DAN'L H. NORWOOD,
WM. H. NORRIS.

Mr Morgan placed in nomination for director, the name of Leander Bryan, and according to law, submitted in writing the following statement:

Leander Bryan's liabilities are as follows:

He is principal on a note for \$667 70, not yet due; he is also security on a note for \$270, not yet due; he is also security on three several extension notes, not yet due, amounting in all to about \$700; all of which sums he is abundantly able and ready to pay at maturity.

He is also security on a certain bill of exchange discounted at the Montgomery branch bank, for the Wetumpka and Coosa rail road company for \$2000; which bill, the said company is contesting at law; said Bryan is entirely solvent, and has the highest testimonials for competency, integrity and moral worth.

WM. S. MORGAN, of Anutaga.

I have known Leander Bryan for seventeen years; in my opinion he is well qualified for the office of bank director. No man of my acquaintance stands higher in the community, where is known, than Capt. Bryan. He is competent to discharge the duties of the office, and is entirely responsible.

JAMES CHILES, of Greene county.

Mr Morgan also placed in nomination for director, the name of Edward Clarke, and according to law submitted in writing, the following statement:

"Edward Clarke is endorser on a note for about \$500, due at the branch bank at Montgomery, which is all that I can find on the bank books; it is all that he is liable for any way, and I believe his moral worth is equal to any man.

WM. S. MORGAN, of Autauga,
JOHN STEELE."

Mr McLemore placed in nomination for director, the name of Doctor Wm. O. Baldwin, and as required by law, submitted in writing the following statement:

Doctor Wm. O. Baldwin does not owe the State bank, nor any of its branches a dollar, neither as principal or as security. He is free from all embarrassments, and is entirely responsible. He is one of the present board of directors, and has given general satisfaction. He is a young man of good moral character, and is honest and capable of discharging the duties of director; he lives in the city of Montgomery.

CHARLES McLEMORE, of Chambers,
WM. S. MORGAN, of Autauga,
GEO. REESE, of Chambers,
R. W. WARE, of Montgomery,
L. GRESHAM, of Tallapoosa,
JOHN L. HUNTER, of Barbour,
N. J. SCOTT, of Macon.

Mr Oliver placed in nomination for director, the name of Robert T. Ashurst, and according to law, submitted, in writing, the following statement:

"Robert T. Ashurst, as principal; securities, R. J. W. Crockett & H. M. Coffee, \$3,409 70

James Welsh, principal; R. J. W. Crockett and R. T. Ashurst as securitiss,

1,751 72

Total, - - - - - \$5,161 12

Taken from the bank report by the undersigned.

We believe R. T. Ashurst solvent, and well calculated for a director; judging from his correct deportment heretofore as director in the bank at Montgomery.

Signed,

R. J. WARE,
S. C. OLIVER.

Mr Oliver placed in nomination the name of Wm. H. Pollard for director, and according to law, submitted in writing, the following statement:

"Wm. H. Pollard principal on extension notes; Tnos. B. Maddox, George C. Ball as securities, \$348 50

Wm. H. Pollard, principal, C. T. Pollard and C. Ball securities, 1,006 89

On bills of exchange not due; Wm. H. Pollard, principal; Cyrus Phillips and B. S. Bibb securities, \$784 23

Bill of exchange, same principal and securities, \$3,343 24

We are authorized to say that Wm. H. Pollard will want no bank accommodations, and we have no hesitancy in saying, that he is solvent and capable to discharge the duties of bank director. He lives in Montgomery.

Signed,

RORET J. WARE,
SAMUEL C. OLIVER.

Mr Scott placed in nomination the name of Charles A. Abercrombie, and according to law, submitted in writing the following statement:

"Mr Speaker, I ask leave to nominate Charles A. Abercrombie. His indebtedness as principal is as follows:

To the branch bank at Montgomery,	\$1,350 00
As security for Augustus Darby on note,	320 00
" John Barclay, "	450 00
" M. J. Wilkins, "	1,500 00
" Jno. C. Abercrombie, "	560 00
" James Abercrombie, "	2,000 00

Endorser on bill of exchange drawn by J. U. Baldwin, 6,390 00

The bill of exchange above stated is also endorsed by James Baldwin, and accepted by Charles J. Mitchell, and was discounted in October last, at ninety days. None of the above paper is due, and all of it is well secured, beyond a doubt. We believe Charles A. Abercrombie, from our long acquaintance, a strictly honest man, and that he will make a safe and competent director. He is not indebted to any of the other banks.

WM. S. PHILLIPS,
N. J. SCOTT,
B. D. HARRIS,
F. G. McCONNELL,
LEROY GRESHAM,
CHARLES McLEMORE,
R. J. WARE.

Mr Reese placed in nomination for director, the name of Robert E. Cox, and as required by law, submitted in writing the following statement:

"Robert E. Cox's liabilities to the State bank and branches are, as principal, \$2,085 57

As security, 2,450 10

All of which is amply secured. He is not under protest on his own account; is under protest as security. He has been bred a merchant, and has lived in Alabama nineteen years; is not indebted to any bank in or out of the State, except as above named; is now a member of the board of directors, and has given unusual satisfaction, to both town and country; is a gentleman of unsuspected integrity; of steady and business habits, and we do not hesitate to recommend him as a safe and acceptable director for the branch bank at Montgomery.

GEO. REESE,
F. G. McCONNELL,
J. R. CLARKE.

Tuscaloosa, Dec. 28th, 1840.

So far as I have ascertained, I believe Mr Cox has made an active and efficient officer.

SAM'L C. OLIVER,
R. J. WARE,

Mr Hunter placed in nomination for director, the name of Horatio G. Harbin, and in obedience to law, submitted in writing, the following statement;

Indebtedness of Mr Harbin, direct,
to the branch bank at Montgomery, - - - \$750 00
" Mobile, - - - \$1,700 00

Is endorser on the bill of Walker Mundy, negotiated in the State bank, accepted in the city of Mobile, - - - \$1,000 00

Bill of J. S. Hunter, accepted as above, - - - 3,000 00

Both bills well secured. Mr Harbin is capable, wealthy, firm and upright; is twenty-one miles from the bank. 28th Dec., 1841.

J. S. HUNTER, Senator from Lowndes.
CAPITOL, TUSCALOOSA.

I accord in the above.

PEYTON S. ALEXANDER, from Lowndes.

Mr Buford placed in nomination for director, the name of Wm. K. Buford, and as directed by law, submitted in writing the following statement:

"Wm. K. Buford is a merchant, planter; resides in Montgomery. I have carefully examined the Mobile and Montgomery bank reports, and find no liability. I believe he is not indebted to any bank; his will and ability both, (I have no doubt) greatly exceeds all his liabilities of any kind; his character is unexceptionable, and he is remarkable for energy and business habits; he is competent; he is no candidate, but I am authorised to say, if elected, he will faithfully discharge the duties of Director.

JEF. BUFORD.

I cheerfully concur in regard to the business habits and character of Mr Wm. K. Buford.

SAM'L C. OLIVER,
R. J. WARE,

MESSRS CHAS. A. ABERCROMBIE, ROBERT S. ASHURST, WM. O. BALDWIN, LEANDER BRYAN, WM. K. BUFORD, EDWARD CLARK, R. E. COX, H. G. HARBIN, WM. H. POLLARD and JERRY PITMAN being in nomination,

Those who voted for Mr Abercrombie are of the Senate messrs President, Alston, Address, Baylor, Buford, Clarke, Creagh, Dent, Hall, Hudson, Hunter, King, Lea, McAllister, McClanahan, McConnell, Oliver, Phillips, Reese, Ross, Thornton, Toulmin, Watrous and Womack; and messrs Speaker, Alexander of Laud., Barker, Barron, Bishop, Cain, Clemens, Cochran, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Garland, Gresham, Griffin of J., Griffin of S., Harris, Haughton, Hendricks, Henry, Hogan, Houston, Hunter, Jones of Cov., Jefferson, Jemison, Justice, Kennedy, Kidd, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, Mitchell, Moore, Moors, Morgan, Norman, Norris, Norwood, Perkins, Phillips, Rice, Rusling, Scott Smith of S., Steele, Storrs, Valliant, Walker of B., Ware, Woodward and Youn of the House.—81.

Those who voted for Mr Ashurst are of the Senate, messrs Alston, Address, Buford, Hall, Hunter, Jones, Lea, McAllister, McVay, Oliver, Phillips, Ross, Thornton and Womack; messrs Speaker Barron, Bradley, Cain, Chiles,

Cochran, Crenshaw, Crawford, Gresham, Griffin of J., Griffin of M., Griffin of S., Harris, Haughton, Henry, James, Jones of Conn., Jefferson, Jemison, Justice, Kennedy, Kidd, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, Mitchell, Moore, Morris, Musgrove, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rushing Scott, Smith of J., Smith of L., Sprewell, Storrs, Troup, Walker, of B., Ware, Woodward and Young of the House.—61.

Those who voted for Mr Baldwin are of the Senate messrs President, Andress, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, Lea, McAllister, McClanahan, McConnell, McVay, Phillips, Reese, Rodgers, Ross, Thornton, Toulmin, Turner, Wilson of J. and Womack; and messrs Speaker, Alexander of Laud., Allen, Armbrister, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Cochran, Crawford, Davenport, Davis of B., Erwin, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Haughton, Harris, Heflin, Hendricks, Henry, Hogan, Hunter, James, Jefferson, Jemison, Justice, Kennedy, Kidd, Marchbanks, B. McAlpin, R. C. McAlpin, McLemore, Mitchell, Moore, Morris, Morgan, Musgrove, Norman, Norris, Perkins, Phillips, Randolph, Rushing, Scott, Smith of J., Smith of L., Smith of T., Spruill, Steele, Storrs, Troup, Valliant, Walker of B., Woodward and Wynn, of the House of Representatives.—94.

Those who voted for Mr Bryan are, of the Senate messrs Alston, Baylor, Clarke, Dent, Hall, King, Lea, McClanahan, McConnell, McVay, Phillips, Reese, Thornton, Watrous, Wilson of J. and Womack; and messrs Allen, Armbrister, Barker, Barron, Bishop, Bradley, Cain, Chiles, Clemens, Cochran, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Haughton, Heflin, Hendricks, Henry, Hogan, Henslee, James, Jefferson, Jemison, Justice, Kennedy, Kidd, Marchbanks, B. McAlpin, R. C. McAlpin, McLemore, Mitchell, Moore, Moors, Morgan, Musgrove, Norman, Norris, Perkins, Phillips, Randolph, Rice, Smith of J., Smith of T., Spruill, Steele, Storrs, Troup, Valliant, Walker of B., Woodward, Wynn and Young, of the House of Representatives.—81.

Those who voted for Mr Buford are, messrs President, Alston, Baylor, Buford, Dent, Foster, Hudson, King, Lea, McAllister, McClanahan, Oliver, Rodgers and Watrous, of the Senate; and messrs Alexander of Lowndes, Chiles, Clemens, Cochran, Davenport, Gardner, Hammond, Heflin, Hendricks, Hunter, Justice, Kennedy, Mason, S. McAlpin, Smith of T., Ware and Young, of the House.—33.

Those who voted for Mr Clarke are, messrs President, Baylor, Clarke, Creagh, Hall, Jones, McAllister, Rodgers, Toulmin and Turner, of the Senate; and messrs Speaker, Alexander of Laud., Allen, Armbrister, Bishop, Garland, Hammond, Haughton, Heflin, Hendricks, Hunter, Justice, Kennedy, Marchbanks, Morgan, Musgrove, Norman, Smith of J., Smith of L., Steele, Woodward and Wynn, of the House.—32.

Those who voted for Mr Cox, are, messrs Andress, Baylor, Buford, Clarke, Creagh, Foster, Hudson, Hunter, Jones, McAllister, McClanahan, McConnell, McVay, Oliver, Reese, Ross, Rodgers, Toulmin, Turner, Wilson of J., and Womack, of the Senate; and messrs Alexander, of Laud., Allen, Armbrister, Barker, Bishop, Bradley, Cochran, Crenshaw, Crawford, Davenport, Erwin, Gardner, Gresham, Griffin of J., Griffin of M., Hammond, Harris, Heflin, Henry,

Hogan, Houston, Hunter, James, Jones of Con., Jefferson, Jemison, Justice, Kennedy, Kidd, Marchbanks, Mason, B. McAlpin, McLemore, Moors, Musgrove, Norman, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Scott, Smith of J., Smith of L., Spruill, Steele, Storrs, Troup, Valliant, Walker of B., Ware, Woodward and Wynn, of the House—75.

Those who voted for Mr Harbin are, messrs President, Alston, Buford, Creagh, Foster, Hudson, Hall, Hunter, Jones, King, Lea, McClanahan, McConnell, McVay, Oliver, Phillips, Rees, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of J. and Womack, of the Senate; and messrs Speaker, Alexander of Law., Alexander of Lowndes, Armbrister, Barker, Barron, Bishop, Chiles, Clemens, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Gardner, Garland, Gresham, Griffin of M., Harris, Haughton, Hogan, Houston, James, Jones of Con., Kidd, Marchbanks, R. C. McAlpin, S. McAlpin, McLemore, Mitchell, Moore, Moors, Morgan, Musgrove, Rice, Rodgers, Rushing, Scott, Smith of L., Smith of T., Spruill, Steele, Storrs, Troup, Valliant, Walker of B., Woodward and Young, of the House—72.

Those who voted for Mr Pollard are, messrs President, Alston, Andress, Creagh, Dent, Foster, Hudson, Hunter, King, McVay, Oliver, Reese, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Lowndes, Armbrister, Barker, Barron, Bradley, Cain, Clemens, Davenport, Erwin, Garland, Griffin of J., Griffin of M., Griffin of S., Hogan, Houston, James, Jefferson, Jemison, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, Mitchell, Moore, Moors, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rushing, Smith of T., Spruill, Troup, Valliant, Ware, Wynn and Young, of the House—60.

Those who voted for Mr Pitman are, messrs Andress, Clarke, Dent, Foster, Hall, Jones, King, McConnell, Phillips, Ross, Turner, Watrous and Wilson of J., of the Senate; and messrs Alexander of Laud., Alexander of Lowndes, Barker, Cain, Clemens, Crenshaw, Davis of B., Gardner, Griffin of S., Hammond, Heflin, Hendricks, Henry, Jones of Con., Norris, Norwood, Randolph, Rodgers and Smith of J., of the House—32.

Messrs Abercrombie, Ashurst, Baldwin, Bryan, Cox and Harbin, having received the highest number and a majority of all the votes given, Mr Speaker declared them duly elected directors of the branch of the bank of the State of Alabama at Montgomery.

The Senate then withdrew to their chamber, and Mr President resumed his seat.

The Senate then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Dec. 29, 1841.

The Senate met pursuant to adjournment.

Mr Hudson, from the committee on accounts and claims, to whom was referred the account of John McRae, sheriff of Barbour county, setting forth sundry items, amounting to \$492 20, having had the same under consideration, reported that the account is not so made out, nor the items so specified as to enable the committee to say, which part of said claim ought to be allowed, or whether any part of it is a state charge; inasmuch as it does not show what was done with the prisoners named in said account: the committee therefore are of the opinion it ought not to be allowed, and ask to be discharged from the further consideration thereof; in which the Senate concurred.

Mr Hall, from the committee of conference upon the part of the Senate, to

act with such committee as might be appointed on the part of the House, to settle the disagreement existing between the two Houses upon the bill to be entitled an act to appoint court house commissioners of the county of Tallapoosa, and for other purposes therein specified, reported that they had met and had the same under consideration, and had instructed him to report, that from the investigation had before the committee, it is right and expedient that the Senate recede from their amendment to said bill; in which report the Senate concurred.

Mr Hudson, from the committee on accounts and claims, to whom was referred an engrossed bill from the House to be entitled an act to pay certain claims therein mentioned, reported that they have had the same under consideration, and instructed him to report the same back to the Senate; that the amendments tacked to the bill on slips of paper, ought not to be allowed, inasmuch as there is no evidence whatever accompanying said bill to shew that said claims are just or even a state charge; the committee are of the opinion that it would be a bad precedent to set, that of paying money out of the treasury without a proper shewing that it was chargeable thereon. Your committee therefore think that said claims ought not to be allowed.

Mr Clarke moved to recommit the bill; which was carried, and the bill was recommitted.

Mr Hudson, from the committee on accounts and claims, to whom was referred an engrossed bill from the House to be entitled an act for the payment of certain claims against the State, reported that they have had the same under consideration, and instructed him to report the same back to the Senate with the following amendments, to wit: Strike out the appropriation made to Wm. Mills, of Autauga county, inasmuch as there is no evidence before the committee to satisfy them that it is a state charge; and further, there is no law to justify the allowance, and therefore it ought not to be allowed: In the third line from the bottom, strike out the word "six," and insert in lieu thereof the word "dollars;" strike out the appropriation made to N. A. Moore; on account of the unsatisfactory manner in which the account is made out, it ought not to be allowed. With these amendments the committee recommend the passage of the bill.

In which report the Senate concurred.

Mr Hunter, from the committee on the judiciary, to which was referred a bill from the House to amend an act entitled an act regulating punishments under the penitentiary system, approved January 9, 1841, reported that they have had the same under consideration, and instructed him to say that many of the provisions by the bill intended to be repealed, are highly important provisions in the criminal law; that the importance of repealing others is not seen, and that it is the opinion entertained, that time and practice will be the appropriate test of the system.

The report was concurred in by the Senate, and the constitutional rule being suspended, the bill was read the third time forthwith, and passed the Senate.

Mr Lea, from the committee on internal improvement and inland navigation, to whom was referred a bill from the House to incorporate the manufacturing company at the great falls of the Tallapoosa river, reported the bill back to the Senate, and without amendment, recommended its passage.

The bill was then placed among the orders of the day.

Mr Ross, from the committee on enrolled bills, reported that they have examined and found correctly enrolled, bills of the following titles, to wit:

An act to amend an act entitled an act for the government of the port and harbor of Mobile, approved Dec. 23, 1832.

An act the better to enable the collection of debts due the bank of Mobile.

An act authorising a special term of the chancery court for the second district of the southern division at Clayton.

An act regulating the weighing of cotton in the city of Mobile, and for other purposes.

An act for the relief of Reuben Lackey, tax collector of Jackson county; and

An act to amend the charter of the life insurance and trust company of Mobile.

Mr Womack introduced a bill to be entitled an act to add a part of Pike county to Barbour, and for other purposes; which was read, and the constitutional rule being suspended, it was read a second time forthwith, and the constitutional rule being further suspended, the bill was considered as engrossed, read a third time forthwith and passed.

Ordered, that the title be as aforesaid.

Mr Jones introduced a bill for the relief of that portion of the citizens of township 19, range 2, east, residing in Sumter county; which was read, and the constitutional rule being suspended, the bill was read the second time forthwith, and the rule being further suspended, it was taken as engrossed, read a third time forthwith and passed.

Ordered that the title be as aforesaid.

Mr Rodgers, from the committee on enrolled bills, reported that they have examined and find correctly enrolled, bills of the following titles, to wit:

An act to incorporate the Washington male and female academy, at Puryearville, in Monroe county, and

An act to incorporate the Howard College, in Marion, Perry county.

Mr Jones introduced a bill to alter the mode of assessing and collecting the taxes of Sumter county; which was read, and the constitutional rule, which requires bills and joint resolutions to be read on three several days, being dispensed with, the bill was read the second time forthwith, and the rule being further dispensed with, it was considered as engrossed, read a third time forthwith and passed.

Ordered, that its title be as aforesaid.

Mr Hudson from the committee on accounts and claims, to whom was referred the bill from the House to compensate messrs Watkins & Sellers for merchandise furnished for the use of the State of Alabama, returned the same to the Senate as not having been acted upon by the committee.

The bill was then placed among the orders of the day.

On motion of Mr Lea, ordered that 150 copies of the report of the trustees of the University of the State of Alabama, be printed.

Mr Toulmin from the committee on the State bank, to whom was referred a resolution instructing them to inquire into the propriety of winding up the branch bank at Decatur, reported that the subject matter of said resolution is embraced in a bill already reported to the Senate, and therefore ask to be discharged from the further consideration thereof.

The committee was discharged.

Mr Toulmin from the committee on the State bank, to whom was referred a bill to establish at Irwinton, an agency of the Montgomery branch bank, reported the same back to the Senate as inexpedient to pass the same,—in which the Senate concurred.

Mr Toulmin from the same committee, to whom was referred a resolution directing them to inquire into the expediency of winding up, or removing the branch of the bank of the State of Alabama at Mobile, the nett profits resulting from the operation of said institution. if any, &c., reported said resolution back to the Senate, and asked to be discharged from the further consideration thereof.

The committee was discharged.

Mr Toulmin from the same committee, to whom was referred a bill to repeal an act entitled an act to amend the charter of the bank of Mobile, and the Planters and Merchants bank of Mobile, reported that it is inexpedient to pass the same.

The question being on concurring in the report; which was lost. Yeas 12 Nays 12.

Those who voted in the affirmative are, messrs President, Clarke, Dent, Hall, Hudson, Jones, McAllister, Oliver, Rodgers, Toulmin, Turner and Watrous.

Those who voted in the negative are, messrs Alston, Address, Buford, Foster, Hunter, King, Lea, McClanahan, McConnell, McVay, Ross and Wilson of J.

The question then was on ordering the bill to be read a third time; and lost. Yeas 12. Nays 13.

Those who voted in the affirmative are, messrs Alston, Address, Baylor, Buford, Foster, Hunter, King, Lea, McClanahan, McConnell, McVay and Wilson of J.

Those who voted in the negative are, messrs President, Clarke, Dent, Hall, Hudson, Jones, McAllister, Oliver, Ross, Rodgers, Toulmin, Turner and Watrous.

Mr Turner from the committee on roads, bridges and ferries, to which was referred a bill to prolong the charter of a certain turnpike road therein named, reported that as the present charter does not expire until 1845, it is inexpedient at present to legislate on the subject. In which the Senate concurred.

Mr Turner from the same committee, to which was referred a bill to compel certain persons therein named, to work on a road, reported the same back to the Senate and recommended its passage.

The bill was placed among the orders of the day.

The Senate then proceeded to the consideration of the orders of the day.

The bill from the House to authorise the sale of property at the town of Fairfield, Pickens county; and also at Greensborough, in the county of Greene, was read the third time and passed the Senate.

The bill from the House, regulating the practice of Dental Surgery, and for other purposes, was read the third time.

Mr Hall moved to lay it upon the table; which was lost.

The question then being on the passage of the bill; which was carried. Yeas 18. Nays 11.

Those who voted in the affirmative are, messrs Address, Baylor, Buford, Creagh, Dent, Hudson, Jones, King, Lea, Oliver, Phillips, Ross and Toulmin.

Those who voted in the negative are, messrs President, Alston, Clarke, Foster, Hall, McClanahan, McConnell, McVay, Rodgers, Turner and Wilson of J.

So the bill was passed.

The bill from the House, to divorce Martha Ann Ball from her husband Fessenden Ball: was read the third time and passed. Yeas 21. Nays 5.

Those who voted in the affirmative, are messrs President, Address, Baylor, Buford, Clarke, Hall, Hunter, Jones, King, Lea, McClanahan, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Toulmin, Turner, Watrous and Wilson of J.

Those who voted in the negative are, messrs Alston, Creagh, Dent, Foster and Hudson.

The bill was passed.

The bill from the House, to divorce John Farley from his wife Mary Farley was read the third time and passed. Yeas 20. Nays 4.

Those who voted in the affirmative are, messrs President, Address, Baylor, Ruford, Clarke, Hall, Hunter, Jones, King, Lea, McClanahan, McConnell, McVay, Oliver, Phillips, Ross, Toulmin, Turner, Watrous and Wilson of J.

Those who voted in the negative are, messrs Alston, Creagh, Dent and Hudson.

Bills from the House of Representatives of the following titles, to wit:

An act granting certain privileges to Alexander Findley of DeKalb county.

An act to make county claims receivable in payment of county taxes in Dale county.

An act to extend the next term of the circuit court of Greene county, to 18 judicial days.

An act for the payment of the claims of Hugh P. Caffey and others.

An act for the relief of Robert Williamson.

An act to authorise the appointment of overseers to work a certain road therein named.

An act to provide for a more effectual organization of the 24th regiment of Alabama militia.

An act to alter the mode of electing the assessor and tax collector of Montgomery county.

An act to divorce Eliza Biggs from her husband Hugh Biggs.

An act to abolish brigade encampment drills in the 13th brigade and 5th division.

An act to confirm the emancipation of certain persons therein named.

An act making appropriations for the payment of members of the General Assembly, and the officers of the two Houses.

An act for the relief of James M. Goodwin, and others.

An act to appoint additional court house commissioners for the county of Russell, and for other purposes.

An act to incorporate the Tallapoosa Lyceum.

An act to divorce Elizabeth Steelman from her husband Wm. Steelman.

An act for the relief of commissioners of section 16, township 10 of range 5, in the county of Wilcox, were severally read a third time and passed.

Mr Ross, from the committee on enrolled bills, reported that they have examined, and find enrolled, bills of the following titles, to wit:

An act to provide for the summoning of grand jurors to serve at the special criminal term of the circuit courts of Mobile; and

An act to compensate witnesses and jurors in the county of Clarke.

The bill from the House to extend the charter of a turnpike road therein named, was read the third time and passed.—Yeas 13, Nays 7.

Those who voted in the affirmative are messrs Buford, Hudson, Hunter, King, Lea, McClanahan, McVay, Oliver, Phillips, Toulmin, Turner, Watrous and Wilson of J.

Those who voted in the negative are messrs President, Alston, Baylor, Creagh, Dent and McConnell.

The following message was received from his excellency, the Governor, by his private Secretary:

His excellency, the Governor, has approved and signed bills of the following titles, to wit:

An act to appoint commissioners to build a jail in the county of Shelby, and for other purposes.

Which bill originated in the Senate.

The bill from the House to divorce Simeon Wheeler from his wife Catharine Wheeler, was read the third time and passed.—Yeas 20, Nays 4.

Those who voted in the affirmative are messrs President, Address, Clarke, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous and Wilson of J.

Those who voted in the negative are messrs Alston, Creagh, Dent and Hudson.

Ordered that the title be as aforesaid.

A bill from the House to confirm the emancipation of certain slaves therein named, was read a third time and passed.—Yeas 19, Nays 7.

Those who voted in the affirmative are messrs Clarke, Creagh, Foster, Hall, Hunter, King, Lea, McAllister, McCannell, McClanahan, Oliver, Phillips, Ross, Thornton, Toulmin, Turner, Watrous and Wilson of J.; and

Those who voted in the negative are messrs President, Alston, Address, Buford, Dent, Hudson and McVay.

Ordered that the title be as aforesaid.

A bill from the House to repeal an act now in force, confining the collection of debts before a justice of the peace in the beat where the defendant resides, or where the contract was made, so far as St Clair county is concerned, was read the third time and passed.

On motion of Mr Watrous the caption was so amended, as to read "counties of St Clair and Shelby are concerned."

The bill to be entitled an act to wind up the branch bank at Decatur being on its second reading, was, on motion of Mr Hudson, ordered to lie on the table.—Yeas 16, Nays 11.

Those who voted in the affirmative are messrs Clarke, Creagh, Hall, Hudson, Jones, Lea, McAllister, McClanahan, McConnell, McVay, Rodgers, Thornton, Toulmin, Turner and Wilson of J.

Those who voted in the negative are messrs Alston, Address, Buford, Dent, Foster, Hunter, King, Oliver, Phillips, Ross and Watrous.

A bill from the House to incorporate a manufacturing company at the great falls of the Tallapoosa river, in the county of Tallapoosa, was read the third time and passed.

Ordered that the title be as aforesaid.

A bill from the House to compel certain persons therein named to work on roads, was read the second time.

Mr Phillips moved to lay the bill on the table, which was lost.

The question then was, shall the bill be ordered to third reading on to-morrow, which was determined in the negative.—Yeas 9, Nays 15.

Those who voted in the affirmative are messrs Alston, Clarke, Dent, Foster, Hudson, McVay, Rodgers, Turner and Wilson of J.

Those who voted in the negative are messrs President, Andress, Creagh, Hall, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Phillips, Ross, Thornton and Toulmin.

Message from the House by Mr Cooke.

Mr President.—The House of Representatives have passed a bill which originated in the Senate, to divide the State of Alabama into three chancery divisions, and for other purposes; and

Joint resolutions in relation to monies due this State by the Federal Government, on account of expenditures during, and growing out of the late Creek Indian hostilities.

A message from the House by Mr Tunstall.

Mr President:—The House of Representatives have passed bills of the following titles which originated in the Senate, to wit:

An act for the relief of Joshua Shamberger, of Sumter county.

An act to revive and continue in force an act to levy a special tax for the county of Morgan, approved January 9th, 1841.

The House concur in the amendment to the bill to be entitled an act to regulate the compensation of witnesses and jurors in the county of Clarke.

Also a bill to vest in Ann Jones, wife of Lewis M. Jones, certain rights and privileges therein named, and for other purposes.

Also a bill to revive the charter of the town of Marion, Perry county.

Message by Mr Cooke.

Mr President:—The House of Representatives have passed a joint memorial of the General Assembly of Alabama to the Congress of the United States, in which they ask the concurrence of the Senate.

The above named memorial was, on motion of Mr Creagh, referred to a select committee, whereupon, messrs Creagh, Hudson and Rodgers were appointed said committee.

Message from the House by Mr Tunstall.

Mr President:—The House of Representatives have passed the following bills which originated in the House of Representatives, to wit:

An act to alter and amend the chartered limits of the town of Irwinton.

An act to repeal an act therein named.

An act to incorporate the State Agricultural society: in all of which they ask the concurrence of your honorable body.

A bill from the House to incorporate the Alabama State Agricultural society, was read three several times, and the rule being suspended, and passed.

Ordered that the title be as aforesaid.

A bill from the House of Representatives to alter and amend the corporate limits of the town of Irwinton; and

A bill to repeal an act therein named, were each read and ordered to a second reading.

Mr Hudson, from the committee on accounts and claims, to whom had

been referred a bill from the House of Representatives, for the payment of certain claims against the State, reported the same back to the Senate amended as therein shown, and recommended its passage.

The amendments were concurred in by the Senate, and the rule being suspended, the bill was read a third time and passed.

Ordered that the title be as aforesaid.

On motion of Mr Phillips,

RESOLVED, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House of Representatives, on Thursday at half after 6 o'clock, P. M., for the purpose of electing a chancellor for the third chancery division.

On motion of Mr Hudson, the vote upon ordering the bill from the House of Representatives, to be entitled an act for the payment of certain claims against the State, to a third reading, was reconsidered.

The constitutional rule being suspended, the bill was read a third time and passed.

Ordered that the title be as aforesaid.

Mr Teary offered the following resolution:

RESOLVED, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that it shall be the duty of the President of the State bank, and the President of the several branch banks, to report any frauds which have, or may be attempted to be perpetrated, by any member or ex-member of either branch of the General Assembly, or any other person, furnishing the Legislature, with all the evidence in their possession of such frauds, or attempted frauds; which report is hereby required to accompany their annual report, and to constitute a part of said report; which was read a first and second time, and the constitutional rule being further suspended, was read a third time forthwith and passed.—Yeas 26.

Those who voted in the affirmative are messrs President, Alston, Andress, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones, Lea, McClanahan, McAllister, McConnell, McVay, Oliver, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous and Wilson of J.

A bill from the House of Representatives to compensate messrs. Sellars & Watkins, for merchandise furnished the State of Alabama, was read a second and third time and passed.

Ordered that the title be as aforesaid.

Mr Ross, from the committee on enrolled bills, reported that the committee had found correctly enrolled bills of the following titles, to wit:

An act entitled an act to levy a special tax for the county of Morgan, approved 9th January, 1841.

An act to alter and amend the charter of the city of Mobile.

An act to provide for a special term of the chancery court at Moulton.

An act imposing additional duties on the treasurer of Marengo county; and

An act to authorise Wm. Walker and his associates, to establish a ferry on the Black Warrior, in Blount county.

Mr Hudson, from the committee on accounts and claims, to whom had been recommitted a bill from the House of Representatives, to pay certain claims against the State, reported the same back to the Senate without amendment, and recommended its passage; the constitutional rule being suspended, the bill was read the third time and passed.

Ordered that the title be as aforesaid.

Ordered that the Senate be acquainted therewith.

Mr Crengh, from the select committee to whom was referred a joint memorial the General Assembly of the State of Alabama to the U. S. Congress, reported the same back to the Senate amended as therein shewn, and recommended its adoption.

The report was concurred in and the memorial adopted.

On motion of Mr Hudson the Senate then adjourned until half past three o'clock this evening.

EVENING SESSION, Dec. 29, 1841.

The Senate met pursuant to adjournment.

Mr Rodgers from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, an act to establish certain election precincts therein named, and for other purposes.

Mr Ross, from the same committee, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

An act for the relief of Joshua Shamberger, of Sumter county.

An act to authorize the tax collector of Jackson county, to receive juror's certificates and State claims, that have become a county charge in payment of taxes due in said county.

An act to incorporate the Greensborough female academy.

An act to create a certain county therein named, and for other purposes.

Message from the Governor, by his private secretary Mr Harrison.

Mr President,—His Excellency, the Governor, did, on this day, approve and sign bills of the following titles, to wit:

An act to amend the charter of the life insurance and trust company of Mobile.

An act authorising a special term of the chancery court for the second district of the southern division, at Clayton.

An act to incorporate the Washington Monroe male and female academy, at Puryearville, Monroe county.

An act regulating the weighing of cotton in the city of Mobile, and for other purposes.

An act to amend an act entitled an act for the government of the port and harbor of Mobile, approved Dec. 23d, 1822.

An act to incorporate the Howard college, in Marion, Perry county.

An act better to enable the collection of debts due the bank of Mobile.

An act for the relief of Reuben Lackey, tax collector of Jackson county; which bills originated in the Senate.

Message from the House by Mr Cooke.

Mr President,—The bill from the Senate to be entitled an act to accept the two per cent fund; and

A bill making appropriations for the payment of claims against the State, and have amended the same as therein shewn, in which they ask the concurrence of the Senate.

Mr Hudson moved that the Senate concur in the amendment made by the House, so far as relates to the appropriation of Mr Brandon, which was carried.—Yeas 11, Nays 10.

Those who voted in the affirmative are messrs Buford, Clarke, Hall, Hudson, Hunter, King, Lea, McAllister, Ross, Rodgers and Wilson of J.

Those who voted in the negative are messrs President, Creagh, Dent, Jones, McClanahan, McVay, Phillips, Thornton, Toulmin and Turner.

Mr Hudson moved that the Senate concur in the other amendments made by the House to said bill, which was carried.

On motion of Mr Buford, the vote just taken upon concurring in the amendment made by the House, in relation to the appropriation made to Mr Brandon, was reconsidered.

The question again was, in concurring in that amendment, which was carried.—Yeas 12, Nays 10.

Those who voted in the affirmative are messrs Baylor, Clarke, Hall, Hudson, Hunter, King, Lea, McAllister, Phillips, Rodgers and Wilson of J.

Those who voted in the negative are messrs President, Buford, Creagh, Dent, Jones, McClanahan, McVay, Ross, Thornton and Turner.

Mr McClanahan moved to adjourn to half past 6 o'clock, which was lost.—Yeas 10, Nays 12.

Those who voted in the affirmative are messrs President, Buford, Clarke, Creagh, Hall, King, McAllister, McClanahan, Phillips and Ross.

Those who voted in the negative are messrs Baylor, Dent, Hudson, Hunter, Jones, Lea, McVay, Rodgers, Thornton, Toulmin, Turner and Wilson of J.

Mr Ross, from the committee on enrolled bills, reported that they have examined and find correctly enrolled,

An act to pay certain claims therein named.

An act to divorce Diza Essman from her husband Benjamin Essman.

An act to attach a part of the county of Montgomery to the county of Lowndes.

An act to authorise Wm. Thompson and his associates to build mills on the Coosa river.

Joint resolutions for the relief of Dillard C. Payne, and others; and

An act for the relief certain persons therein named.

Mr Lea introduced a bill to compensate Dogan D. Brandon for apprehending a felon therein named, which was read, and the constitutional rule being suspended, was read a second time, and the rule being further suspended, was read a third time and passed.

Ordered that the title be as aforesaid.

Mr Ross, from the committee on enrolled bills, reported that the committee had examined, and found correctly enrolled,

An act to accept the two per cent fund.

Mr Jones from the same committee, reported that they had examined, and found correctly enrolled, bills of the following titles, to wit:

An act for the relief of commissioners of section 16; township 22, range 25, in Chambers county, and for other purposes.

An act to authorise Benjamin Thalley, of the county of Walker, to erect a mill dam across Lost creek, in the county of Walker; and

An act for the relief of Drusilla McDow and Elizabeth Woodley.

The Senate then proceeded to the House of Representatives to go into an election, and were seated.

Mr President having announced the object of the two Houses, they proceeded first to an election of President of the branch of the bank of the State of Alabama at Mobile.

Mr Toulmin placed in nomination the name of BURWELL BOYKIN, and as directed by law, submitted in writing the following statement.

Mr President: I ask leave to nominate Burwell Boykin, Esq. for President of the branch of the bank of the State of Alabama at Mobile. It appears from the printed reports, Mr Boykin's liability as payor, is \$10,662 58

And as endorser, he is liable for 10,563 00

It also appears that Mr Boykin's note is not due until the 25th March, 1842. I have also been informed \$900 of the debt for which he is bound as endorser, has been paid since this report was made up.

Mr Boykin has also informed me that his name is on a draft held by the State bank for the sum of \$1,684 00, and on an extension note for \$868 60.

I know of no other liabilities: I consider the above debts as amply secured by the names on the several notes, &c. I have the assurance of Mr Boykin that if his liabilities still exceed the limits fixed by law, that he will reduce the same by a cash payment within the limit before he takes his seat. He has as far as I have been informed, discharged the duties of President satisfactorily for the last nine months; and all who know him will, I am satisfied, admit his ability to do so in future.

T. L. TOULMIN.

ISAAC H. ERWIN,

BLANTON MCALPIN.

Mr BOYKIN being in nomination, those who voted for him are, messrs President, Alston, Address, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner, Wilson of J., and Wornack, of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Barron, Bradley, Bishop, Cain, Chiles, Cochran, Crenshaw, Davenport, Davis of B., Erwin, Fletcher, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Heflin, Henslee, Henry, Houston, Hunter, James, Jones, of Con., Jones of Cov., Jefferson, Jemison, Justice, Kidd, King, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, McLemore, McMillion of B., McMillion of J., Mitchell, Moore, Moors, Morgan, Musgrove, Mundy, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of J., Smith of L., Smith of T., Spruill, Steele, Storrs, Troup, Valliant, Walker of B., Walker of L., Ware, Wynn and Young, of the House.

Mr Boykin having received a majority of all the votes given, Mr Speaker declared him duly elected President of the branch of the bank of the State of Alabama at Mobile.

The two Houses next proceeded to the election of six directors for the branch of the bank of the State of Alabama at Mobile.

Mr Toulmin placed in nomination for director, the name of J. G. Lyon, and as directed by law, submitted the following statement in writing.

I nominate Ja's G. Lyon for director; his direct indebtedness to the branch bank at Mobile, is \$10,945 24, secured by mortgage on about 3,000 acres of land and 15 slaves; the land alone is amply sufficient to pay the debt. He is endorser on a note made by A. S. Lipscomb, H. Goldthwaite, J. Bates and the late G. W. Owen, for \$2,000, being a balance of \$24,000 borrowed of the branch bank at Mobile by the parties named, for the outfit and payment of the volunteers during the late Creek disturbances, which balance is in tran

of settlement by an order on the proper department of the general government in favor of the bank for payment.

He is one of the securities of Dr Alfred Fowler, for \$10,196 74, who has a proposition before the board, understood to be acceptable to settle the debt by prompt payment in part, by securing the balance beyond doubt, by mortgage on real estate, and negroes in lieu of Mr Lyon's name on his note.

Mr Lyon is entitled to much credit in his activity in securing the bank this debt, taken for paper of an insolvent house in New-Orleans held by the bank in 1837. He is also second endorser on a note of A. P. Bagby's for about \$2,800, a payment on which it is understood has been made.

He owes the bank of the State \$1,500, F. S. Lyon and W. H. Lyon, securities, and is endorser or security for Col. J. B. Hogan for about \$990, to the branch bank at Decatur.

Mr Lyon is one of the early settlers of the State, he has been a director for the State in the bank of Mobile for four years past; residing permanently, winter and summer, in the city, and is an active, capable business man.

T. L. TOULMIN,

BLANTON MCALPIN.

Mr Baylor placed in nomination for director, the name of Henry B. Holcombe, and as required by law, submitted in writing the following statement:

Henry B. Holcombe is not indebted to the State bank or either of its branches, one dollar; is a resident citizen of the city of Mobile, and is from his past experience in the management of banks, well qualified to fill the office of director of the branch bank of the State in that city.

W. K. BAYLOR,

DENNIS DENT,

T. L. TOULMIN.

Mr Clemens placed in nomination for director, the name of Jones M. Withers, Esq. and in obedience to the late law, submitted the following statement in writing.

Mr Speaker: I beg leave to put in nomination the name of Jones M. Withers, Esq.; I state that his liabilities to be as follows:

To the State bank at Tuscaloosa, as principal, on a note due first and fourth of April, 1842,	:	:	:	:	:	\$3,000
As principal on a note due first and fourth of April, 1842,	:	:	:	:	:	950
Drawer of a bill first and fourth of April, 1842,	:	:	:	:	:	2,500
For Forney, Braly & Withers, note due third and sixth of March, '42,	:	:	:	:	:	1,242
						\$10,192

Mr Withers is perfectly solvent, and I am informed by the President of the State bank, that all the paper on which his name appears, is undoubtedly good.

Mr Withers has been a director for the State bank for two years, he made an excellent director, is honest, competent and faithful; and as far as I know or believe, has given general satisfaction.

J. CLEMENS.

I concur most fully, from an intimate acquaintance with Mr Withers and his business habits as a director; he having acted as a director in the State bank, where I had an opportunity of seeing his capacity in the investigation of several bank examinations,

DAVID MOORE.

Mr Rodgers placed in nomination the name of Robert Broadnax.

As appears by the bank reports, Col. Brodnax individually owes nothing. As a member of the firm of Broadnax and -----, he is endorser on a note of A. Winston, for \$26,000; this debt I believe to be unquestionably well secured, from all that I can learn: he is said to owe the Decatur bank on his own account, several thousand dollars, amount not known.

Col. Brodnax is an old citizen of this State and known by most of the people. He is honest, he is capable; no man in the State more capable, especially as a director of that bank.

If he is, or has been indebted, it is nothing more than justice to say of him, that he never attempts to evade a just demand, but will use every effort to discharge the same honorably, and will no doubt succeed: he is at present director and has served in that capacity for several years.

H. W. RODGERS,
HENRY C. LEA,
DENNIS DENT.

We fully concur in the belief that Col. Broadnax has used, and will use every honorable effort to pay any claims against him to the State, and that he has been for many years an active director of the branch bank at Mobile, and fully acquainted with the business of said bank.

I. H. ERWIN,
JOHN BARRON,
DIXON HALL.

Mr Moore placed in nomination the name of C. M. Godbold, and as required by law, submitted the following statement:

"Mr Speaker, I ask leave to place in nomination for bank director at Mobile, the name of C. M. Godbold.

Mr Godbold is indebted to the branch bank at Mobile on his own account, in the sum of \$1,920. He has assumed the sum of \$2,438. I consider this debt well secured to the bank: he is a gentleman of good character: he has been a director for the last two years, and he has discharged the duties faithfully, and I consider him perfectly responsible.

RICHARD S. MOORE,
T. L. FOULMIN,
BLANTON McALPIN,
J. H. ERWIN,
R. C. McALPIN.

Mr B. McAlpin placed in nomination, the name of Jacob Boyd, as a candidate for the director of the branch bank at mobile.

Mr Boyd owes, at that branch \$1,200. He is endorser on a note for \$3,300, which note he is in no way interested; that note is regularly curtailed. Mr Boyd owes no other bank of the State: he is not under protest: he is a business man of unblemished moral character, and in every respect well qualified to serve as director: he has lived eleven years in the city of

Mobile, and is well and favorably known to a large portion of south Alabama.

BLANTON McALPIN.

We have no doubt of the correctness of the above statement.

T. L. TOULMIN,
S. S. HOUSTON,
R. S. MOORE.

Mr R. C. McAlpin placed in nomination the name of Benjamin F. Marshall, and as required by law, submitted the following statement in writing: "Mr Speaker, I ask leave to place in nomination as a candidate for bank director for the branch bank at Mobile, the name of Mr Benjamin F. Marshall. Mr Marshall has been in business in the city of Mobile several years, and when the great revulsion in commercial affairs, in 1839, took place, he was indebted to the branch bank at Mobile as principal and security to the amount of \$93,087 41, which debt he extended under the relief law of 1837. He has by his great industry and faithfulness, reduced that large debt to the small sum of \$5,400, which is believed to be as well secured as any debt due to the bank; that debt is secured by the endorsements of his father and brother, who are responsible and good. From my acquaintance with Mr Marshall I most cheerfully recommend him as a fit and suitable person for a director of that bank; Mr Marshall owes no other bank.

Signed,

Respectfully,

R. C. McALPIN.

We the undersigned have known Mr B. F. Marshall for a number of years, and can testify to his correctness of habits and consider him among the best business men of our acquaintance. We are also acquainted with Martin Marshall and John L. Marshall, the endorsers on his note to the branch bank at Mobile, and can say that their names make the debt as good as it possibly can be made.

Signed,

S. W. MASON,
LEROY S. KIDD,
STEPHEN S. ADDRESS;
R. S. MOORE.

Mr R. C. McAlpin also placed in nomination the name of George G. Henry, and submitted the following statement:

"Mr Henry is a merchant of large standing in the city of Mobile, and he deservedly ranks high among that respectable class of citizens. Mr Henry, for many years, has been in the habit of doing business at the branch bank at Mobile, and has never been under protest in it. He is indebted to that bank on his own account in the sum of \$3,652 00

And as security, 4473 60

He is not indebted to any other of the State banks in any amount whatever. Mr Henry is a gentleman, whom I can recommend as a fit and suitable director for said bank.

Respectfully,

R. C. McALPIN.

I fully concur in the above statement, and have every confidence in the ability and willingness of Mr Henry to meet his engagements, and believe him fully competent to discharge the duties of that office.

I. H. ERWIN.

I believe in the above statement in regard to Mr Henry, and from my knowledge of him for several years, have formed a very good opinion of his correct moral and business habits, and believe that he would make a good, safe, and efficient bank director.

Signed,

JOHN L. HUNTER, of Barbour.

Mr B. McAlpin placed in nomination the name of Henry C. Holmes, and submitted the following statement:

"Mr Holmes owes the branch bank at Mobile \$21,000 00, running to maturity in instalments. Mr Holmes has been compelled to settle, as the principal failed to do so. Mr Holmes, to secure the payment of the debt as principal and security, has given to the bank a mortgage on three brick stores in the city of Mobile, renting for six thousand dollars per annum; valued by a committee of the bank at \$45,000 00. Mr Holmes owes neither the State bank or its other branches any thing. Mr Holmes is not under protest at either of the banks; he is a gentleman of undoubted character; has lived six years in Mobile; is eminently qualified as such.

BLANTON McALPIN,

T. L. TOULMIN,

SAM'L S. HOUSTON,

R. S. MOORE.

Mr Erwin placed in nomination for director, the name of Wm. E. Starke, and submitted the following statement in writing.

Mr Speaker,—I beg leave to place in nomination, the name of William E. Starke. His liabilities are as follows: Starke & Harrison have running to maturity, (endorsed by John Stephenson) of which firm Wm. E. Starke is a member, amounting to \$19,275; one note for \$700, endorsed by Marshall & Camack; one note for \$500, endorsed C. H. Minge. Starke & Harrison are endorsers on a note for C. H. Minge, for \$200; one note for John Stephenson for \$400, and two notes for A. H. Ryland, amounting to \$1,054 00. Starke & Harrison are discounters on J. R. Dunn & Co. for \$1,898 40; one note on Thomas Harrison for \$1300, and Wm. Starke's note for \$340, endorsed by Dr James Perrine. Starke & Harrison within the last two years have reduced their liabilities about \$15,000, and Mr Starke assures me, that he will reduce his liabilities \$6000, before taking his seat at the board, if elected. He is not under protest, on any of said paper. Wm. E. Starke does not owe any bank in this State but \$330, which is endorsed by Dr. James Perrine, of Mobile, on his own individual account. Mr Starke was elected by a unanimous vote in February last, to fill a vacancy in said board of Directors—he has served faithfully. Mr Starke has, since my acquaintance with his business in bank, faithfully complied with his payments as required, and I have no doubt will continue to do so. His principal note is endorsed by a respectable merchant in Mobile, now extensively engaged in business; his other liabilities are all, I believe, well secured.

I. H. ERWIN.

I have been personally acquainted with Wm. E. Starke for many years past; I believe him to be a man of integrity of character—of persevering industrious habits, and personally well qualified to discharge the duties of Director of the branch bank at Mobile, for which he is an applicant.

T. L. TOULMIN,

I. H. IRWIN.

We fully concur in the above.

DAVID MOORE,
HARRY L. THORNTON,
J. S. HUNTER,
R. C. McALPIN.

Mr Erwin also placed in nomination for Director, the name of Frederick B. Sheppard, and submitted in writing, the following statement:

Mr Speaker,—I beg leave to nominate Mr F. B. Sheppard as a candidate, for the office of Director of the branch bank at Mobile. Mr Sheppard, as I am informed and believe, is not indebted to any bank of the State, as maker of any note or bill of exchange or otherwise. He is liable as second endorser on a bill due the State bank at Tuscaloosa, for \$7,713 27; said bill was made by F. C. Ellis, and endorsed by Charles Pitcher. Mr Sheppard resides in the city of Mobile; is a gentleman of business habits, and great moral worth and integrity of character, and is, I believe, fully qualified to discharge the duties of that office.

ISAAC H. ERWIN.

Mr Erwin also placed in nomination, the name of Wm. A. Scott, and submitted in writing, the following statements.

Mr Speaker,—I nominate for the office of Director of the branch bank at Mobile, the name of Wm. A. Scott; under the requirements of the recent law, I state his liabilities as follows: Wm. A. Scott is the maker of a note for \$1500, payable at the Mobile branch bank with Bush and brothers as endorers. He is maker of a note, payable at the State bank Tuscaloosa, for \$990, with A. T. Hauley and E. T. Bush as securities, and is liable as endorser on a note made by J. M. & W. Cameron, with J. M. Cameron as security, payable at the branch bank at Mobile, for \$280. He is not under protest on either note; this is, I believe, his entire liability to the banks. He is entirely responsible for his debts; is a merchant in good standing in Mobile, has served the past year as Director in the branch bank at Mobile, and as I believe, to the entire satisfaction of the people of that city, and of those having dealings with the banks. I have served with Mr Scott and know him to be faithful, vigilant and attentive to his duties, and in every way qualified.

ISAAC H. ERWIN.

I beg leave to state that I am well acquainted with Gen. Wm. A. Scott, and know all the parties connected with his name in the State bank and branches; they are all and each one of them, entirely solvent, and any one of them good for a much larger amount than said Scott's entire liabilities. I have known Gen. Scott for some fifteen years, and can say with entire confidence, that he has all that time sustained a first rate character for honesty and upright dealing. I have never heard of the least circumstance unfavorable to his character as a correct man. He has an extensive acquaintance in Mobile and in the middle section of the State. I believe that he is fully competent to discharge the duties of Director and in his office of Director for the last year has given general satisfaction.

PEYTON KING, Senator
from Pickens county.

We fully concur in the above so far as relates to Gen. Scott's character and standing, and his competency to discharge the duties of Director.

THOMAS A. WALKER, of Benton.
J. SPRELL,
A. GARDNER, of Pickens.

Mr Toulmin placed in nomination the name of Wm. A. Smith, and submitted in writing the following statement:

Mr President,—I ask leave to nominate Wm. A. Smith, as Director for the branch bank at Mobile. Mr Smith is not indebted to that or any other bank on his own account, except as second endorser for the sum of \$3,972 60. I consider Mr Smith as a prompt and punctual man in business, and fully able to meet all his engagements as far as I know and believe; and further I believe him well qualified for the office of Director. He has resided in Mobile for the last twelve or fourteen years, and is now a permanent resident of that city.

T. L. TOULMIN,

I. H. ERWIN,

BLANTON McALPIN.

Those who voted for Mr Boyd are, messrs President, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hall, Hunter, Jones, McAllister, McClanahan, McConnell, Ross, Rodgers, Thornton, Toulmin, Turner and Watrous of the Senat; and, messrs Speaker, Alexander of Laud., Alexander of Lowndes, Armbrister, Barker, Cain, Chiles, Clemens, Crenshaw, Crawford, Gardner, Garland, Gresham, Griffin of M., Griffin of S., Hammond, Harris, Haughton, Heflin, Houston, James, Jones of Con., Jones of Cov., Jones of M., Jemison, Justice, Kennedy, King, Marchbanks, B. McAlpin, S., McAlpin, McLemore, McMillion of B., Mitchell, Moore, Morgan, Mundy, Musgrove, Norman, Norris, Norwood, Phillips; Rodgers, Rushing, Smith of J., Smith of L., Steele, Taylor, Troup, Valliant, Walker of B., Walker of L., Ware Winston, Woodward, Wynn and Young of the House.—78.

Those who voted for Mr Broadnax are, messrs Brindley, Address, Hall, Hudson, Jones; King, Lea, McVay, Oliver, Phillips, Rodgers and Turner of the Senate; and messrs Barker, Barron, Bradley, Crenshaw, Davis of B., Fletcher, Garland, Griffin of M., Harris, Henry, Jones of Con., Jemison, McLemore, Moors, Morgan, Mundy, Musgrove, Norris, Norwood, Perkins, Spruill and Walker of B., of the House.—33.

Those who voted for Mr Godbold are, messrs President, Address, Baylor, Brindley, Clarke, Creagh, Dent, Hall, Hudson, Jones, Lea, Hunter, McAllister, McClanahan, McConnell, McVay, Ross, Rodgers, Thornton, Toulmin, Turner, Wilson of J., and Womack of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Low., Allen, Armbrister, Barker, Bishop, Bradley, Cain, Chiles, Clemens, Cochran, Davenport, Erwin, Fletcher, Garland, Gresham, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Henry, Houston, Hunter, James, Jones of Con., Jones of Cov., Jones of M., Jefferson, Kennedy, Kidd, King, Marchbanks, Mason, Morgan, Musgrove, Norman, Norwood, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of J., Smith of L., Smith of T., Storrs, Taylor, Troup, Valliant, Walker of B., Walker, of L., Ware, Winston, Woodward and Wynn of the House.—86.

Those who voted for Mr Henry are, messrs Alston, Address and Oliver of the Senate; and messrs Alexander of Low., Cochran, Crawford, Davis of B., Gresham, Henry, Hunter, Jones of Con., Justice, R. C. McAlpin, Smith of J., and Troup of the House.—16.

Those who voted for Mr Holcombe are, messrs Baylor, Dent, Foster, King Phillips and Watrons of the Senate; and messrs Hendricks, Henslee, Jemison, Kidd, McMillion of B., McMillion of J., Mitchell, Norris, Norwood, Rau-

dolph, Rodgers, Smith of J., Smith of L., Storrs and Winston of the House—21.

Those who voted for Mr Holmes are, messrs President, Baylor, Foster, Hudson, McAllister, McConnell, McClanahan, McVay and Turner of the Senate; and messrs Speaker, Alexander of Loud., Armbrister, Bishop, Cain, Chiles, Clemens, Davenport, Fletcher, Garland, Griffin of J., Hammond, Heflin, Houston, James, Jones of Cov., Jones of M., Kennedy, McMillion of B., McMillion of J., Mitchell, Norris, Norwood, Randolph, Rodgers, Smith of J., Smith of T., Storrs and Winston of the House.—40.

Those who voted for Mr Lyon are, messrs Alston, Lea, McVay, Thornton, Toulmin and Wilson of J., of the Senate; and messrs Barron, Bradley, Cain, Chiles, Crenshaw, Davenport, Erwin, Griffin of S., Harris, Hammond, Heflin, Houston, Hunter, Justice, Kidd, King, Moore, B. McAlpin, R. C. McAlpin, Moore, Moors, Musgrove, Perkins, Phillips, Taylor, Valliant and Ware of the House.—34.

Those who voted for Mr Marshall are, messrs Alston, Address, Brindley, Buford, McAllister, Oliver, Phillips, Ross, Rodgers, Wilson of J. and Womack, of the Senate; and messrs Speaker, Alexander of Loud., Barker, Barron, Cain, Clemens, Crenshaw, Davis of B., Erwin, Fletcher, Crenshaw, Griffin of S., Harris, Hendricks, Henslee, Jones of Con., Jefferson, Jemison, Justice, Kidd, Mason, R. C. McAlpin, S. McAlpin, Mitchell, Moore, Mundy, Norris, Norwood, Smith of T., Spruill, Storrs, Ware, Winston and Young, of the House of Representatives—47.

Those who voted for Mr Scott are, messrs Alston, Address, Clarke, Creagh, Hudson, Hunter, King, Lea, McClanahan, McConnell, Oliver, Phillips, Ros, Turner and Womack, of the Senate; and messrs Allen, Barron, Bishop, Bradley, Cochran, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Gardner, Gresham, Griffin of M., Griffin of S., Harris, Hendricks, Henslee, James, Jefferson, Jemison, Justice, Mason, R. C. McAlpin, S. McAlpin, McLemore, McMillion of J., Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Randolph, Rice, Rushing, Spruill, Walker of B. and Walker of L., of the House of Representatives—53.

Those who voted for Mr Sheppard are, messrs President Alston, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hall, Hudson, Hunter, Jones, Lea, McAllister, McClanahan, McConnell, Rodgers, Thornton, Toulmin, Turner, Watrous and Womack, of the Senate; and messrs Alexander of Low., Allen, Armbrister, Barker, Barron, Bishop, Bradley, Chiles, Clemens, Cochran, Crawford, Davenport, Davis of B., Erwin, Fletcher, Gardner, Griffin of J., Griffin of S., Hammond, Haughton, Heflin, Hendricks, Henry, Henslee, Houston, James, Jones of Con., Jones of Cov., Kennedy, Kidd, Marchbanks, Mason, B. McAlpin, S. McAlpin, McLemore, McMillion of B., Moors, Morgan, Mundy, Norman, Norris, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of J., Smith of L., Smith of T., Spruill, Steele, Storrs, Stinson, Troup, Valliant, Walker of B., Walker of L., Winston, Woodward, Wynn and Young, of the House—85.

Those who voted for Mr Smith are, messrs President, Buford, Clarke, Creagh, Hall, Jones, King, McAllister, McConnell, Oliver, Phillips, Turner, Toulmin, Wilson of J., and Womack, of the Senate; and messrs Alexander of Loud., Allen, Armbrister, Bishop, Cain, Gardner, Griffin of J., Hammond, Haughton, Heflin, Henslee, Houston, Hunter, Jones of Cov., Jones of M.,

Jefferson, Kidd, King, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, Mc-
Lemore, McMillion of J., Moore, Morgan, Norman, Perkins, Randolph, Rice,
Rodgers, Smith of J., Smith of L., Spruill, Valliant, Ware, Woodward and
Wynn, of the House—53.

Those who voted for Mr Starke are, messrs Alston, Andress, Baylor, Cre-
agh, Dent, Foster, Hall, Hunter, King, Lea, McVay, Oliver, Phillips, Ross,
Thornton, Turner and Wilson of J., of the Senate; and messrs Speaker, Alex-
ander of Low, Barron, Bradley, Chiles, Cochran, Crenshaw, Crawford, Da-
venport, Davis of B., Erwin, Gardner, Garland, Gresham, Griffin of J., Grif-
fin of M., Griffin of S., Harris, Hendricks, Henry, Henslee, Hunter, James,
Jefferson, Jemison, Justice, Kennedy, Kidd, Mason, R. C. McAlpin, S. Mc-
Alpin, McLemore, Moors, Mundy, Musgrove, Perkins, Phillips, Rice, Rushing,
Smith of T., Spruill, Steele, Walker of L., Ware, Wynn and Young, of the
House—63.

Those who voted for Mr Withers are, messrs President, Baylor, Brindley,
Buford, Clarke, Dent, Foster, Hudson, Hunter, Jones, King, McClanahan,
McVay, Ross, Rodgers, Thornton, Turner and Wilson of J., of the Senate;
and messrs Speaker, Alexander of Laud., Alexnader of Low., Allen, Arm-
brister, Barker, Bishop, Clemens, Cochran, Fletcher, Gardner, Garland, Grif-
fin of J., Griffin of M., Haughton, Hendricks, Henry, Hunter, Jones of Cov.,
Jones of M., Jefferson, Jemison, Kennedy, King, Marchbanks, S. McAlpin,
McMillion of B., McMillion of J., Mitchell, Mundy, Musgrove, Norman, Nor-
wood, Randolph, Rodgers, Rushing, Smith of J., Smith of L., Smith of T.,
Steele, Stinson, Taylor, Troup, Valliant, Walker of B., Walker of L., Win-
ston, Woodward, Wynn and Young, of the House—66.

Messrs Boyd, Godbold, Sheppard, Starke and Withers, having each re-
ceived a majority of the whole number of votes given, Mr Speaker declared
them duly elected directors for the branch of the bank of the State of Ala-
bama for the time prescribed by law.

The two Houses then proceeded to elect one director; the names of
Messrs Lyon, Henry, Marshall, Holcombe, Holmes, and Broadnax having
been withdrawn.

Those who voted for Mr Smith are of the Senate messrs President, Bay-
lor, Buford, Brindley, Creagh, Hall, Hudson, McAllister, McClanahan, Mc-
Vay, Toulmin, Turner, Wilson of F. and Womack; and messrs Speaker,
Alexander of Laud., Armbrister, Fletcher, Griffin of J., Hammond, Haugh-
ton, Heflin, Houston, Hunter, Jones of Cov., Justice, Kennedy, King, March-
banks, B. McAlpin, McMillion of B., Moore, Morgan, Musgrove, Norman,
Phillips, Smith of J., Smith of L., Taylor, Troup and Valliant, of the House
of Representatives.—42.

And those who voted for Mr Scott are of the Senate, messrs Alston, An-
dress, Clark, Dent, Foster, Hunter, Jones, King, Lea, McClanahan, Oliver,
Phillips, Ross, Rodgers, Thornton and Watrous; and messrs Allen, Barker,
Barron, Bishop, Bradley, Cain, Chiles, Clemens, Cochran, Crenshaw, Craw-
ford, Davenport, Davis of B., Erwin, Garland, Gardner, Gresham, Griffin of
M., Griffin of S., Harris, Hendricks, Henry, Henslee, James, Jones of Cov.,
Jefferson, Jemison, Kidd, Mason, R. C. McAlpin, S. McAlpin, McLemore,
McMillion of J., Mitchell, Moors, Mundy, Norris, Norwood, Randolph, Rice,
Rodgers, Rushing, Smith of L., Spruill, Steele, Stoors, Walker of B., Walk-
er of L., Ware, Woodward and Young.—67.

Mr Scott having received a majority of all the votes given, Mr Speaker declared him duly elected director of the branch of the bank of the State of Alabama at Mobile.

The two Houses next proceeded to the election of Comptroller of Public Accounts: Mr J. C. VanDyke being alone in nomination.

Those who voted for Mr VanDyke are, messrs President, Address, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Hall, Hudson, Hunter, Jones, King, Lea, McClanahan, McAllister, McConnell, McVay, Oliver, Phillips, Reese, Rodgers, Thornton, Toulmin, Turner, Watrous, Wilson of J. and Womack, of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Lowndes, Allen, Armbrister, Barker, Barron, Bradley, Bishop, Can, Chiles, Clemens, Cochran, Crenshaw, Crawford, Davenport, Davis of B., Davis of L., Erwin, Fletcher, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Haughton, Heflin, Hendricks, Henry, Henslee, Houston, Hunter, James, Jones of Con., Jones of Cov., Jefferson, Jemison, Justice, Kennedy, Kidd, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, S. McAlpin, McLemore, McMillion of B., McMillion of J., Mitchell, Moore, Moors, Morgan, Musgrove, Mundy, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rushing, Rice, Rodgers, Smith of J., Smith of L., Smith of T., Spruill, Steele, Storrs, Taylor, Troup, Valliant, Walker of B., Walker of L., Ware, Winston, Woodward, Wynn and Young, of the House of Representatives—110.

Mr VanDyke having received all the votes given, Mr Speaker declared him duly elected Comptroller of Public Accounts for the State of Alabama for the term prescribed by law.

The two Houses next proceeded to the election of State Treasurer: **ROBERT CARUTHERS** and **SAM'L G. FRIERSON** being in nomination.

Those who voted for Mr Caruthers are, messrs Address, Buford, Dent, Foster Hall, Hunter, King, Oliver, Phillips, Rodgers, Thornton, Watrous and Womack, of the Senate; and messrs Bishop, Bradley, Chiles, Cain, Crawford, Davis of B., Erwin, Gardner, Gresham, Griffin of S., Harris, Jones of Con., Jemison, Justice, Kidd, Mason, R. C. McAlpin, McLemore, Mitchell, Norris, Norwood Perkins, Smith, of T., Storrs, Valliant and Ware.

Those who voted for Mr Frierson are, messrs President, Baylor, Brindley, Clarke, Creagh, Hudson, Jones, Lea, McAllister, McClanahan, McConnell, McVay, Ross, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Alexander of Lowndes, Allen, Armbrister, Barker, Barron, Clemens, Cochran, Crenshaw, Davenport, Fletcher, Griffin of J., Griffin of M., Hammond, Haughton, Heflin, Henry, Hendricks, Henslee, Houston, Hunter, James, Jones of Cov., Jefferson, Kennedy, King, Marchbanks, B. McAlpin, McMillion of B., McMillion of J., Moore, moors, morgan, mundy, musgrove, Norman, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of L., Spruill, Steele, Taylor, Troup, Walker of B., Walker of L., Winston, Woodward, Wynn and Young, of the House—68.

Mr Frierson having received a majority of all the votes given, Mr Speaker declared him duly elected Treasurer of the State of Alabama for the term prescribed by law.

The two Houses next proceeded to the election of State Printer. **MESSRS HALE & PHELAN** and **S. F. RICE**, being in nomination.

Those who voted for messrs Hale & Phelan are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, McVay, Rodgers, Toulmin, Turner and Wilson of J., of the Senate; and Alexander of Low., Allen, Cochran, Fletcher, Griffin of J., Haughton, Henslee, Houston, Hunter, James, Jones of Cov., Kennedy, King, Marchbanks, B. McAlpin, Million of B., McMillion of J., Mitchell, Morgan, Musgrove, Norman, Phillips, Randolph, Rushing, Smith of L., Smith of T., Steel, Taylor, Valliant, Walker of B., Walker of L., and Woodward, of the House.—49.

Those who voted for Mr Rice are, messrs Andress, Buford, Dent, Hall, Hunter, Lea, King, McConnell, Oliver, Phillips, Ross and Womack of the Senate; and messrs Speaker, Armbrister, Barker, Barron, Bishop, Chiles, Clemens, Crenshaw, Davis of B., Erwin, Gardner, Gresham, Griffin of M., Griffin of S., Hammond, Harris, Heflin, Hendricks, Henry, Jones of Con., Jefferson, Justice, Kidd, Mason, McLemore, Moors, Mundy, Norris, Norwood, Perkins, Smith of J., Spruill, Troup, Ware and Winston, of the House. 48.

Messrs Thornton and Watrous of the Senate; and messrs Barron, Bradley, Cain, S. McAlpin, Storrs and Young of the House, voted for Mr M. D. J. Slade.—8.

Neither of the candidates having received a majority of all the votes given, the two houses proceeded to a second balloting.

Those who voted for messrs Hale & Phelan are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, McVay, Rodgers, Toulmin, Turner and Wilson of J., of the Senate; and messrs Alexander of Laud., Alexander of Low., Allen, Fletcher, Griffin of J., Haughton, Henslee, Houston, Hunter, James, Jones of Cov., Kennedy, King, Marchbanks, B. McAlpin, McMillion of B., McMillion of J., Mitchell, Morgan, Musgrove, Norman, Randolph, Rodgers, Rushing, Smith of L., Smith of T., Steele, Taylor, Troup, Valliant, Walker of B., Walker of L., Woodward and Wynn of the House—48.

Those who voted for Mr Rice are, messrs Andress, Buford, Dent, Hall, Hunter, King, Lea, McConnell, Oliver, Phillips, Ross and Womack of the Senate; and messrs Speaker, Armbrister, Barker, Bishop, Cain, Chiles, Clemens, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Gardner, Gresham, Griffin of M., Griffin of S., Hammond, Harris, Heflin, Hendricks, Henry, Jones of Con., Jefferson, Justice, Kidd, Mason, R. C. McAlpin, McLemore, Moors, Mundy, Norris, Norwood, Perkins, Smith of J., Spruill, Ware and Winston of the House.—49.

Messrs Thornton and Watrous of the Senate; and messrs S. McAlpin, Storrs and Young of the House, voted for Mr Slade.—5.

Neither having received a majority of all the votes given, the two houses proceeded to a third balloting.

Those who voted for messrs Hale and Phelan are, messrs President, Baylor, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, Rodgers, Toulmin and Turner of the Senate; and, messrs Alexander of Laud., Cochran, Griffin of J., Haughton, Henslee, Hunter, James, Jones of Cov., Kennedy, King, Marchbanks, B. McAlpin, McMillion of B., McMillion of J., Musgrove, Norman, Phillips, Randolph, Rodgers, Rushing, Smith of L., Smith of T., Steele, Taylor, Troup, Valliant, Walker of B., Walker of L., Woodward and Wynn of the House.—48.

Those who voted for Mr Rice are, messrs Andress, Buford, Dent, Hall, Hunter, King, Lea, McConnell, Oliver, Phillips, Ross and Womack of the Senate; and messrs Speaker, Armbrister, Barker, Bishop, Cain, Chiles, Clemens, Crenshaw, Crawford, Davenport, Davis of B., Erwin, Gardner, Gresham, Griffin of M., Griffin of S., Hammond, Harris, Heflin, Hendricks, Henry, Jones of Con., Jefferson, Justice, Kidd, Mason, R. C. McAlpin, S. McAlpin, McLemore, Moors, Mundy, Norris, Norwood, Perkins, Smith of J., Spruill, Warr, Winston and Young of the House.—51.

Mr Storrs of the House voted for Mr Shade.

Mr Rice having received a majority of all the votes given, Mr Speaker declared him duly elected State Printer for the term prescribed by law.

The Senate then withdrew to the Senate chamber, and Mr President resumed his seat.

The Senate then adjourned till to-morrow morning 10 o'clock.

THURSDAY, Dec. 30, 1841.

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr Cook.

Mr President, The House of Representatives have passed bills which originated in the House, of the following titles, to wit:

An act to pay Goodwin Driver and Barry Driver.

An act for the benefit of John G. Finish, of Franklin county; and

An act to compensate certain persons therein named.

In all of which the concurrence of the Senate is requested.

The Senate then proceeded to the orders of the day:

The bill from the House to alter and amend the corporate limits of Irwinton, was read the second time, and the constitutional rule being suspended, it was read the third time forthwith and passed.

The bill from the House of Representatives to repeal an act therein named, was read the second time, and the rule being suspended, it was read the third time forthwith and passed.

The Senate took up the special order of the day, which was a resolution, proposing for the two Houses of the General Assembly to adjourn sine die, on the 31st inst.

Mr Hudson moved to postpone its further consideration until 4 o'clock this evening; which was carried.

Message from his Excellency the Governor, by Mr Harrison:

Mr President,—His Excellency the Governor, has this day approved and signed bills of the following titles, to wit:

An act for the relief of Joshua Shamberger of Sumter county.

An act to authorise the tax collector of Jackson county to receive jurors certificates and State claims that have become a county charge in payment of taxes due said county.

An act to revive and continue in force an act entitled an act to levy a special tax for the county ——— approved January 9, 1841.

An act to accept the two per cent fund; which bills originated in the Senate; and also

An act to establish certain election precincts therein named.

Mr Phillips offered the following preamble and resolutions:

Whereas, the opinion is entertained that the investigations of the joint committee, appointed during the present session of the General Assembly

for the purpose of enquiring into bank frauds, will not conduce to any results of sufficient importance to the State, to justify the expense which will be necessarily incurred by said committee if it should be continued in existence after the adjournment of the two houses; therefore,

Resolved, 1st. that so much of said committee as was appointed on the part of the Senate, be and the same is revoked and dissolved after the adjournment of the present session of the General Assembly.

Resolved, 2d. that so much of said committee as was appointed on the part of the Senate, report confidentially all legal evidence, which may have come to their knowledge implicating any persons in bank frauds to the Solicitors of the circuits in which such persons may reside.

Upon the adoption of which, the yeas and nays were demanded.

Mr Baylor, being a member of the committee aforesaid, asked to be excused from voting upon the above resolutions, which was refused.

Those who voted for the adoption are, messrs President, Address, Brindley, Clarke, Creagh, Dent, Foster, Hunter, Lea, McAllister, McClanahan, McVay, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous and Wilson of J.—20.

Those who voted in the negative are, messrs Baylor, Hudson, Jones, King, McConnell and Oliver.

Message from the House of Representatives by Mr Cook :

Mr President,—The House of Representatives have passed a bill which originated in the House to provide for holding an extra term of the chancery court at Clayton and Montgomery, and elsewhere, in which they ask the concurrence of the Senate.

Mr Rodgers moved to reconsider the vote taken yesterday on refusing to order to a third reading, the bill to be entitled an act to repeal an act to amend the charters of the bank of Mobile, and the Planters and Merchants bank of Mobile; which was carried. Yeas 14—Nays 11.

Those who voted in the affirmative are, messrs Baylor, Clarke, Foster, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McVay, Ross, Rodgers and Wilson of J.

Those who voted in the negative are, messrs President, Address, Buford, Creagh, Dent, McConnell, Oliver, Phillips, Thornton, Toulmin and Turner.

The question then was on ordering the bill to be engrossed for a third reading; which was carried. Yeas 15. Nays 9.

Those who voted in the affirmative are, messrs Baylor, Clarke, Foster, Hudson, Jones, King, Lea, McAllister, McClanahan, McVay, Oliver, Ross, Rodgers and Wilson of J.

Those who voted in the negative are, messrs President, Hudson, Creagh, Dent, Toulmin, Turner and Watrous.

Mr Baylor, from the committee on education, to whom was referred the report of the trustees of the University of the State of Alabama, reported that the report was highly satisfactory as to the condition of said Institution, and in as much as no action is required on the report, they ask to be discharged from the further consideration thereof. The committee were accordingly discharged.

Mr Terry introduced a bill to be entitled an act to compensate James C. Malone, S. O. Nelson and John Glass, for certain services therein named, which was read the first time, and the rule being suspended, was read a second

cond time forthwith, and the rule being further suspended, the bill was read the third time.

Mr Terry moved to fill the blanks in said bill, each with 20; Mr Hudson with 30, which was lost.

Mr Buford, with 25, which was carried.

The bill then passed the Senate.

Ordered, that the title be as aforesaid.

Mr Ross from the committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles, to wit:

An act for the payment of certain claims against the State.

An act for the payment of the claims of Hugh Caffey and others.

An act to divorce John Farley from Mary Farley.

An act to divorce Jane Johnson from her husband, Henry Johnson.

An act to pay the heirs of Leah Fralick, a certain sum therein named.

An act to divorce Phillip Voiglin from his wife Mary Voiglin.

A bill from the House to provide for holding extra terms of the chancery courts and for other purposes, was read the first and second times, and the rule being suspended,

Mr Lea moved to amend the bill, by adding another section, which was carried, and the rule being further suspended, the bill was read a third time and passed.

A bill from the House to be entitled an act to pay Goodwin Driver and Benj. Driver, was read the first time.

Mr Phillips moved a suspension of the constitutional rule, for the purpose of giving the bill a second reading forthwith; which was lost.

On motion of Mr Phillips, the bill was then ordered to lie upon the table.

The bill from the House of Representatives making appropriations for the year 1842, was read, the rule suspended and read the second time.

Mr Watrous moved to amend by an additional section; which was lost.

Mr McClanahan moved to refer it to the committee on accounts and claims; which was carried.

A bill from the House for the relief John J. Finch, of Franklin county, was read the first and second times, and the rule being suspended.

On motion of Mr Hudson, ordered to lie upon the table.

On motion of Mr Phillips, the bill from the House to pay Goodwin Driver and Benjamin Driver, was taken from the table.

Mr King moved to reconsider the vote refusing to suspend the constitutional rule for the purpose of giving the bill a second reading forthwith.

Mr Creagh offered an additional section to said bill, which Mr President, (Mr Dent being in the chair) declared out of order, the proviso of said amendment having been embraced in a bill, which originated in and passed the Senate during the present session, and the Senate as yet not having been informed that action was had thereon in the House; from which decision Mr Creagh appealed to the Senate.

The question then was, shall the decision of the chair remain as the sense of the Senate, which was determined in the affirmative. Yeas 14.—

Nays 8.

Those who voted in the affirmative, are messrs Address, Buford, Clarke, Hudson, King, Lea, McClanahan, McConnell, McVay, Phillips, Ross, Rodgers and Turner.

Those who voted in the negative are, messrs President (Terry,) Baylor, Creagh, Thornton, Jones, Hunter, Toulmin and Watrous.

The question then recurred on Mr Terry's motion, which was carried; the bill was then read the third time and passed.

Message from the House by Mr Tunstall:

Mr President,—The House has passed a bill, which originated in the House, to compensate certain persons therein named, in which they ask the concurrence of the Senate.

This bill was read the first and second times, and on motion of Mr Turner referred to the committee on accounts and claims.

Mr Ross from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

An act for the relief of commissioners of section 16, township 10, range 5, in the county of Wilcox.

An act to divorce Ann C. Bell from her husband John C. Bell.

An act for the relief of the tax collector of Macon county.

An act to divorce Kenion J. W. Gaylord from his wife Mary Ann Gaylord.

An act to divorce Eveline Whetstone from her husband Even L. Whetstone.

Joint resolutions of the State of Alabama to the Congress of the United States.

An act to consolidate township 15, of range and thirty and thirty-one in the county of Russell.

Message from the House by Mr Tunstall:

Mr President,—The House of Representatives have passed the bill which originated in the Senate, to compensate John M. Cooper, and have amended the same by striking out the third section, and

An act to alter the 1st and 10th judicial circuits.

Mr Hudson moved that the Senate concur in the amendments made by the House to the bill to compensate John M. Cooper; which was carried.

Mr Baylor, from the committee on education, to whom had been referred a joint resolution in relation to the encouragement of southern literature and the collecting materials for history of the State asked to be discharged from the same, and the committee was discharged accordingly.

Mr McConnell introduced a bill to be entitled an act to compensate the commissioners of the penitentiary; which was read three several times, the rule being suspended, and passed the Senate.

Ordered, that the title be as aforesaid.

Mr Thornton, from the federal committee, to whom was referred a bill to be entitled an act in relation to the 16th section, township 11, range 9, reported the same back to the Senate, and as a bill of the same character had passed this body, asked to be discharged from the further consideration thereof; which was done.

On motion of Mr Dent, the bill was then ordered to lie upon the table.

Mr Jones, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

An act to divide the 71st regiment of Alabama militia in the county of Randolph, and create an additional regiment for the organization of the same.

An act to authorise an election or assessor and tax collector of Russell county, and for other purposes.

An act to divorce Araminta D. Stone from her husband Charles Stone, and change the name of said Araminta D. Stone to that of Araminta Dorner Loftin.

An act to require the clerk of the circuit court of Marengo county, to keep a reversed index in all cases decided in said court, and for other purposes.

An act to divorce Wm. Eatman from his wife Sarah Eatman.

An act to authorise the school commissioners therein named to build a school house; and

An act to distribute the 6th census of the U. States throughout this State.

Mr Buford made the following report:

The committee to whom was referred a resolution in relation to the encouragement of southern literature, have considered the same with a due sense of the importance of the subject. It is a matter of notoriety that our higher schools are supplied with teachers for the most part, not reared among us, nor imbued with professions favorable to the institutions peculiar to the south. This results from the fact that talent and qualification meet their just reward at the south, and always find place and employment, a circumstance not by any means regarded by your committee as an evil, but as a condition of things rather to be encouraged than otherwise. It is believed, however, to be attended with one evil; your committee feel bound to notice, knowing that it is mere education by awakening public sentiment, will prove a sufficient corrective.

The teachers we here designate, of course, introduce into their schools as text books, publications by their friends and acquaintances, or other authors from the same section of the Union; these necessarily to a greater or less extent, partaking of the character of biographies or histories affording detailed if not partial accounts of events, manners and men of their own vicinity, while the like topics belonging to a distant locality, receive but a general, vague and inaccurate notice, magnify the institutions, events and men of one section, at the expense of the other.

Our school books are chiefly by northern authors, whose leading prejudice in general, is hostility to slavery, an absorbing fanaticism that colors almost every literary product down to the lowest class book. In this category, the Peter Parley class book may be mentioned as containing whole chapters tinged with abolitionism.

Obviously, books by southern authors (whether histories, biographies or ordinary text books) would be free from all the foregoing objections, and your committee entertain no doubt that as soon as teachers are led to prefer them, the supply will be adequate to the demand.

Wm. Gilmore Sims, Esq., of Charleston, S. C., an author of established reputation, identified with the south by birth, education, and a considerable planting interest, is proposing (as your committee beg leave to state) to publish a series of school books suited to any class and stage of advancement, to be collected from writings of authors south of the Potomac, and imbued with a tone and spirit congenial with our institutions, he has published a history of South Carolina, and is engaged in preparing lives of Green, Marion and Sumter, all to be suited in style for common schools, as also for the general reader; the effects in correcting and elevating southern sentiment and

character by introducing into our schools (the great nurseries of public opinion) such books touched by an author so able and so conditioned as Mr Sims, would be (as it seems to your committee) wholly incalculable. If permitted, your committee might mention other laborers in this department of the public vineyard; among them, Dr Harris, of Savannah, and Mrs Griffin of Macon, Geo.—the first of whom is preparing a history of Georgia, and the last has published a series of class books for common schools, spoken of in terms of high commendation; and here we may not forget a citizen of our own State, Samuel G. McMillion, of Jefferson, who has published a spelling book, pronounced by able scholars, the best ever compiled. But while your committee entertain these views in relation to that part of the resolution already discussed, they have not thought it advisable to recommend any definite mode of advancing its object than by commending the subject to the people as demanding no other corrective than public attention. That part of the resolution touching the collection of materials for the further history of the State, your committee has also considered, and they concur in the sentiment, that its consequence claims present legislation. It is needless at this day to speak of the importance of authentic histories, the fabulous traditions relating to the ancient times of every people, and supplying their want of true history sufficiently prove its universal estimate. The collection of historic materials cannot safely be delayed for a more convenient season; a few years, nay, months, may bear away forever on the tide of time, volumes, manuscripts, records and witnesses, touching important events connected with the early history of any people, than are now extant (as the committee learn from a literary and talented gentleman of the capitol, who has directed his attention to this subject, and to whom the committee are indebted for many of the facts herein stated) about 100 volumes of travels, biographies, &c. beside many manuscripts connected with the early settlement of the French and Spanish in the southern part of this State, and with the history, manners and customs of the Indian tribes; including history of the last war, &c. The occupation of Alabama by the white man, dates much farther back than is generally known. As early as A. D. 1539, Hernando de Soto, a cavalier of Spain, with 1,200 mounted men, landed at Tampa Bay, and traversed a greater part of Georgia, Alabama and Mississippi; he destroyed Mobile, a fortified town, some fifty miles above the junction of the Alabama and Tombigbee river, and had many other desperate and bloody engagements with the natives. There are two accounts of this expedition, both now rare and difficult to procure, one by Deverger, a Spaniard of the expedition, the other by a Portugese gentleman, who wrote from the information of two soldiers. Among other works valuable to the future historian, your committee beg leave to mention Col. Hawkin's account of forty years residence among the Creeks, giving their institutions, rites, laws, &c.; Mr Adair's account of near thirty years residence among the Cherokees; Burton's travels; Stoddard's ditto; Dupraty's History of Louisiana, &c. In conclusion, your committee beg leave to recommend the passage of the following joint resolution, to wit:

Resolved, by the Senate and House of Representatives of the general assembly of the State of Alabama, that the Secretary of State be, and is hereby authorised to procure and preserve in the State library, at least one copy of all such histories, biographies, books of travel, records, manuscripts, as may

be useful in compiling a complete history of the State, and of the aborigines thereof, and the Comptroller may allow necessary expenses under the act, not exceeding \$500, and draw his warrant on the treasurer for the same.

All of which is respectfully submitted.

JEF. BUFORD.

The resolutions received their first and second readings forthwith, the rule being suspended, the question then was on ordering them to a third reading; which was lost. Yeas 8—Nays 13.

Those who voted in the affirmative are, messrs President, Baylor, Buford, Creagh, Jones, Lea, Thornton and Watrous.

Those who voted in the negative are, messrs Brindley, Foster, Hudson, Hunter, McAllister, McClanahan, McConnell, McVay, Ross, Rodgers, Toulmin, Turner and Wilson of J.

On motion of Mr Lea, the Senate adjourned until 4 o'clock this evening.

EVENING SESSION, Dec. 30, 1841.

The Senate met pursuant to adjournment.

Mr Ross, from the committee on enrolled bills, reported that the committee had examined and found correctly enrolled, bills of the following titles, to wit:

An act to revise the charter of incorporation of Union town, in Perry county.

An act to alter the first and tenth judicial circuits, and for other purposes.

An act to divide the State into three chancery divisions, and for other purposes.

Mr Hudson, from the committee on accounts and claims, to whom was referred a bill from the House making appropriations for the year 1832, reported the same back to the Senate amended as therein shewn, and recommended its passage, the amendments were adopted; the rule suspended, the bill read a third time and passed.

Message from the House by Mr Cook.

Mr President: The House concur in the resolution from the Senate, proposing to go into an election of Chancellor, for the middle chancery division, this evening at half past six o'clock; also, a judge of the county court of Covington; also, a judge of the county court of Henry.

They also concur in the resolution of the Senate, proposing to go into the election of a Trustee of the University for the 1st judicial circuit, and a Trustee for the 2d judicial circuit, to have amended the same by striking out the word "2d," and inserting in lieu thereof, "10th."

They have also passed a joint resolution from the Senate authorizing the Governor to appoint some suitable person to take care of the State capitol, and have amended the same as therein shewn; in which they ask the concurrence of the Senate.

The Senate concurred in the resolution of the House in relation to certain elections, and refused to concur in the amendment to the joint resolutions authorizing the Governor to appoint some suitable person to take care of the State capitol.

Message by Mr Cook.

Mr President.—The House of Representatives concur in the resolution of the Senate, proposing to go into the election of a judge of the county court of Covington county.

The Senate then took up the special order, which was a resolution from the House proposing to adjourn sine die, on Friday the 31st inst; and on motion of Mr Terry the same was postponed until to-morrow.—Yeas 16,—Nays 6.

Those who voted in the affirmative are messrs President, Buford, Clarke, Creagh, Dent, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Ross, Thornton, Toulmin and Watrous.

And those who voted in the negative are messrs Address, Brindley, King, Lea, Rodgers and Wilson of J.

On motion of Mr McVay,

RESOLVED, that with the concurrence of the House of Representatives, the two Houses will convene in the Hall of the House at half past six o'clock, for the purpose of electing 5 gentlemen to constitute the medical board of Florence.

Mr Hudson, from the committee on accounts and claims, to whom was referred a bill from the House to compensate certain persons therein named, reported the same back to the Senate amended as therein shewn, and recommend its passage; the amendment was concurred in, the rule suspended, the bill read a third time, and passed.

Ordered that the caption be as aforesaid.

Mr Ross, from the committee on enrolled bills, reported, that they had examined and found correctly enrolled bills of the following titles, to wit:

An act to incorporate the town of Camden in Wilcox county.

An act to appoint additional court house commissioners in the county of Marshall, and for other purposes.

An act to incorporate the town of Crocketsville in the county of Russell; and

An act for the relief of Robert Williamson.

Mr Watrous introduced a bill to be entitled an act to regulate the payment of certain claims, which was read the second time, (the rule being suspended) and passed.

Ordered that the title be as aforesaid.

Message from the House by Mr Tunstall.

Mr President,—The House of Representatives concur in the resolution of the Senate proposing to elect a medical board at Florence.

Mr Ross, from the committee on enrolled bills, reported, that they had examined and found correctly enrolled bills of the following titles, to wit:

An act granting certain privileges to Alexander Findley, of DeKalb county.

An act to incorporate the Tallapoosa manufacturing company.

An act to make county claims receivable in payment of county taxes, in Dale county.

An act to divorce Elizabeth Steelman from her husband William Steelman.

Message from the Governor by Mr Harrison.

Mr President,—His Excellency, the Governor, did, on this day, approve and sign a bill to divide the State of Alabama into three chancery divisions, and for other purposes, which bill originated in the Senate.

Mr Jones, from the committee on enrolled bills, reported that they had examined and found correctly enrolled bills of the following titles, to wit:

An act making appropriations for claims against the State.

Joint resolutions in relation to monies due the State by the Federal Government on account of expenditures during, and growing out of the late Creek disturbances.

An act to appoint court house commissioners of the county of Tallapoosa, and for other purposes therein specified.

An act to divorce Martha Ann Ball from her husband Fessenden Ball.

On motion of Mr McVay, the Senate adjourned until this evening at quarter past 6 o'clock.

EVENING SESSION, quarter past 6 o'clock.

The Senate met pursuant to adjournment.

The Senate then proceeded to the Hall of the House of Representatives for the purpose of going into the election of certain officers.

Mr President having announced the object of the meeting of the two Houses, they first proceeded to the election of a judge for the county court of Covington, Mr Samuel L. Harwell alone being in nomination.

Those who voted for Mr Harwell are, of the Senate, messrs President, Address, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous and Wilson of J.; messrs Speaker, Alexander of Low, Allen, Barker, Barron, Bishop, Cain, Chiles, Crenshaw, Covington, Clemens, Cochran, Crawford, Davis of B., Davis of L., Erwin, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Heflin, Hendricks, Henry, Henslee, Hunter, James, Jones of Con., Jones of Cov., Justice, Kennedy, Kidd, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, McLeMore, McMillion of B., McMillion of J., Mitchell, Moors, Morgan, Mundy, Musgrove, Norris, Norwood, Perkins, Randolph, Rice, Rodgers, Rushing, Smith of T., Spruill, Steele, Storrs, Taylor, Valliant, Walker of B., Walker of L., Ware, Woodward, Wynn and Young, of the House—90.

Mr Harwell having received all the votes given, Mr Speaker declared him duly elected judge of the county court of Covington county, for the ensuing term of six years.

The next election was for a judge of the county court of Henry, Seymour White being alone in nomination.

Those who voted for Mr White are, of the Senate, messrs President, Address, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Dailey, Foster, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous and Wilson of J.; messrs Speaker, Alexander of Loud., Allen, Armbrister, Barker, Barron, Bradley, Bishop, Cain, Crawford, Clemens, Chiles, Crenshaw, Davis of B., Davis of L., Erwin, Fletcher, Ford, Gardner, Garland, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Heflin, Hendricks, Henry, Henslee, Hunter, James, Jones of Con., Jones of Cov., Jefferson, Justice, Kennedy, Kidd, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, McLeMore, McMillion of B., McMillion of J., Mitchell, Moors, Morgan, Musgrove, Mundy, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rushing, Rice, Rodgers, Smith of L., Smith of T., Spruill, Steele, Storrs, Taylor, Valliant, Walker of B., Walker of L., Ware, Woodward, Wynn and Young, of the House—93.

Mr White having received all the votes given, Mr Speaker declared him duly elected judge of the county court of Henry.

The Houses next proceeded to the election of a judge of the county court of Dale county, Elijah Payne alone being in nomination.

Those who voted for Mr Payne are of the Senate, messrs President, Address, Baylor, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, King, Lea, McAllister, McClanahan, McConnell, McVay, Phillips, Ross, Rodgers, Toulmin, Turner, Thornton, Watrous and Wilson of J.; and messrs Speaker, Alexander of Laud., Allen, Atmbrister, Barker, Barron, Bradley, Cain, Covington, Chiles, Crenshaw, Cochran, Clemens, Crawford, Davis of B., Davis of L., Erwin, Fletcher, Ford, Gardner, Garland, Gresham, Griffin of J., Griffin of m., Griffin of S., Hammond, Haughton, Heflin, Hunter Jones of Con., Jones of Cov., James, Kennedy, Kidd, Marchbanks, Mason, B. McAlpin R. C. McAlpin, McLemore, McMillion of B., McMillion of J., Mitchell, Moors, Morgan, Musgrove, Mundy, Norman, Norris, Norwood, Perkins, Phillips, Randolph, Rice, Rodgers, Rushing, Smith of L., Smith of T., Spruill, Steele, Storrs, Valliant, Walker of B., Ware Woodward, Wynn and Young of the House.—88.

Scattering, four.

Mr Payne having received all the votes given, Mr Speaker declared him duly elected judge of the county court of Dale county for the term prescribed by law.

The two Houses next proceeded to the election of a Trustee of the 1st judicial circuit for the University of Alabama; Duncan W. Murphy alone being in nomination.

Those who voted for Mr Murphy are of the Senate, messrs President, Address, Brindley, Buford, Clarke, Creagh, Dent, Foster, Hudson, Hunter, Jones, King, Lea, McConnell, McClanahan, McVay, McAllister, Phillips, Ross, Rodgers, Toulmin, Thornton, Watrous and Wilson of J.; messrs Speaker, Alexander of Laud., Allen, Barker, Barron, Bishop, Bradley, Cain, Cochran, Crawford, Crenshaw, Chiles Davis of B., Davis of L., Erwin, Fletcher, Ford, Gardner, Garland, Gresham, Griffin of J., Griffin of m., Griffin of S., Hammond, Haughton, Harris, Heflin, Hendricks, Henry, Henslee, Hunter, James, Jones of Con., Jones of Cov Kennedy, Kidd, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, McLemore, McMillion of B., McMillion of J., Mitchell, moors, Morgan, Musgrove, mundy, Norman, Norris, Norwyod, Perkins, Phillips, Randolph, Rice, Rodgers, Rushing, Steele, Storrs, Smith of L., Smith of T., Spruill, Taylor, Valliant, Walker of B., Walker of L., Ware, Winston, Woodward, Wynn and Young, of the House.—95.

Mr Murphy having received a majority of all the votes given Mr Speaker declared him duly elected Trustee of the University of Alabama.

The two Houses next proceeded to the election of Trustee for the 10th judicial circuit, Isaac H. Erwin alone being in nomination.

Those who voted for Mr Erwin are of the Senate messrs President, Brindley, Baylor, Address, Clarke, Creagh, Dent, Foster, Jones, King, Lea, McClanahan, McConnell, McAllister, McVay, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous and Wilson of J.; and messrs Speaker, Alexander of Laud., Allen, Barker, Barron, Bradley, Bishop, Cain, Chiles, Crenshaw, Cochran, Crawford, Clemens, Davis of B., Davis of L., Fletcher, Garland

Gardner, Gresham, Griffin of J., Griffin of M., Griffin of S., Hammond, Harris, Haughton, Henslee, Henry, Hendricks, Heflin, Hunter, James, Jones of Con., Jones of Cov., Kidd, Kennedy, Marchbanks, Mason, B. McAlpin, R. C. McAlpin, McLeMore, McMillion of B., McMillion of J., Mitchell, Moors, Morgan, Musgrove, Mundy, Norman, Norris, Norwood, Perkins, Phillips, Steele Storrs, Rice, Randolph, Rodgers, Smith of L., Smith of T., Taylor, Valliant, Walker of B., Walker of L., Ware, Winston, Woodward, Wynn and Young, of the House.—95.

Mr Erwin having received a majority of all the votes given, Mr Speaker declared him duly elected a Trustee of the University of Alabama for the 10th judicial circuit.

The two Houses next proceeded to the election of a Chancellor for the middle chancery Division.

Messrs J. L. Martin, E. W. Peck and S. P. Storrs, being in nomination.

Those who voted for Mr Martin are of the Senate messrs President, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McClanahan, McVay, Rodgers, Thornton, Toulmin and Turner; and messrs Speaker, Alexander of Laud., Allen, Barker, Clemens, Davis of D., Fletcher, Garland, Griffin of M., Haughton, Hendricks, Henslee, James, Kennedy, Kidd, Marchbanks, B. McAlpin, McMillion of B., Musgrove, Norman, Randolph, Rushing, Smith of L., Taylor, Valliant, Walker of L., Winston, Woodward and Wynn of the House.—42.

Those who voted for Mr Peck are of the Senate messes Andress, Buford, Dent, Hunter, King, Lea, Phillips and Ross; and messrs Barron, Bradley, Cain, Crenshaw, Crawford, Erwin, Gresham, Griffin of S., Harris, Henry, Houston, Jones of Con., Justice, Mason, R. C. McAlpin, McMillion of J., Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Smith of T., Spruill, Walker of B. and Jones of the House of Representatives.—32.

Those who voted for Mr Storrs are of the Senate messrs McAllister, McConnell, Watrous and Wilson of J.; and messrs Bishop, Cochran, Davis of B., Griffin of J., Heflin, Henry, McLeMore, Morgan, Phillips, Rice, Rodgers, Steele, Storrs and Ware of the House of Representatives.—18.

Neither having received a majority the two Houses proceeded to a second balloting.

Those who voted for Mr Martin are of the Senate messrs President, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McClanahan, McVay, Rodgers, Thornton, Toulmin, Turner and Ross; messrs Speaker, Alexander of Laud., Allen, Barker, Clemens, Davis of L., Fletcher, Garland, Griffin of M., Haughton, Heflin, Hendricks, Henslee, James, Kennedy, Kidd, Marchbanks, B. McAlpin, McMillion of B., Musgrove, Norman, Randolph, Rushing, Smith of L., Taylor, Valliant, Walker of B., Winston, Woodward and Wynn, of the House.—43.

Those who voted for Mr Peck are of the Senate messrs Andress, Buford, Dent, Hunter, King, Phillips and Ross; messrs Barron, Bradley, Cain, Crenshaw, Crawford, Erwin, Griffin of S., Harris, Henry, Hunter, Jones of Con., Justice, Mason, R. C. McAlpin, McMillion of J., Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Smith of T., Spruill and Walker of B., of the House of Representatives.—32.

And those who voted for Mr Storrs are, messrs Lea, McAllister, McConnell, Watrous and Wilson of J., of the Senate; and messrs Bishop, Cain, Da-

vis of B., Gresham, Griffin of J., King, McLemore, Morgan, Phillips, Rice, Rodgers, Steele, Storrs and Ward of the House.—19.

Neither having received a majority of all the votes given, the two houses proceeded to ballot a third time.

Those who voted for Mr Martin are, messrs President, Brindley, Clarke, Creagh, Foster, Jones, McAllister, McClanahan, McVay, Rodgers, Thornton, Toulmin and Turner of the Senate; and messrs Speaker, Alexander of Laud., Allen, Barker, Clemens, Cochran, Davis of L., Fletcher, Garland, Griffin of M., Haughton, Heflin, Hendricks, Henslee, James, Kennedy, Kidd, Marchbanks, B. McAlpin, McMillion of B., Musgrove, Norman, Randolph, Rushing, Rodgers, Smith of L., Taylor, Valliant, Walker of L., Winston and Wynn of the House.—46.

Those who voted for Mr Peck are, messrs Andress, Buford, Dent, Hunter, King, Lea and Ross of the Senate; and messrs Barron, Bradley, Cain, Crenshaw, Crawford, Erwin, Griffin of S., Henry, Hunter, Jones of Con., Justice, Mason, R. C. McAlpin, McLemore, McMillion of J., Mitchell, Marchbanks, Norris, Norwood, Perkins, Smith of T., Spruill, Waller of B., of the House. 33.

Neither having received a majority of all the votes given, the two houses proceeded to ballot a fourth time; the name of Mr Storrs being withdrawn.

Those who voted for Mr Martin are, messrs President, Brindley, Clarke, Creagh, Foster, Hudson, Jones, McAllister, McClanahan, McConnell, McVay, Rodgers, Thornton, Toulmin, Turner and Wilson of J., of the Senate; and messrs Speaker, Alexander of Laud., Allen, Barker, Bishop, Clemens, Cochran, Davis of L., Fletcher, Garland, Griffin of J., Griffin of M., Haughton, Heflin, Hendricks, Henslee, James, Kennedy, Kidd, Marchbanks, B. McAlpin, McMillion of B., Morgan, Musgrove, Norman, Phillips, Randolph, Rushing, Smith of L., Steel, Taylor, Valliant, Walker of B., Walker of L., Winston, Woodward and Wynn of the House.—54.

Those who voted for Mr Peck are, messrs Andress, Buford, Dent, Hunter, King, Lea, Phillips, Ross and Watrous of the Senate; and messrs Barron, Bradley, Cain, Crenshaw, Crawford, Davis of B., Erwin, Gresham, Griffin of S., Henry, Hunter, Jones of Con., Justice, Mason, R. C. McAlpin, McMillion of J., Mitchell, Moors, Mundy, Norris, Norwood, Perkins, Smith of T., Spruill, Strong, Ware and Young of the House.—37.

Mr Martin having received a majority of all the votes given, was declared by Mr Speaker, to be duly elected Chancellor for the Middle Chancery Division of Alabama, for the term prescribed by law.

The two houses next proceeded to the election of five individuals, to constitute the medical board of the town of Florence, but upon a call of the roll, it was ascertained that a quorum was not present, consequently no election could be made.

Whereupon the Senate withdrew to their chamber.

Mr President resumed his seat and called the Senate to order.

Message from the House of Representatives by Mr Clitherall, their assistant clerk.

Mr President,—The House disagrees to the amendment made by the Senate to the bill to provide for holding extra terms of chancery courts; also a bill to establish jury trials in justices courts in certain counties in this State, and to regulate the proceedings therein named.

They concur in the amendments to said bill made by the Senate to the amendments made by the House of Representatives to said bill.

Mr Buford moved that the Senate recede from their amendments to the bill from the House of Representatives to provide for holding extra terms of the chancery courts; which was carried.

Mr Lea offered the following joint resolutions:

Resolved by the Senate and House of Representatives of the State of Alabama, in general assembly convened:

1st, That with the rising prospects of the new and noble Republic of Texas, the reasons why we should not forbid, but rather seek earnestly for her admission into our union, constantly and rapidly accumulate. "Their people are our people" and we believe them the bold and fearless friends of liberty; their admission can not weaken, but will add strength, wealth and power to the Union.

2. Resolved, That it is hereby made known to Texas, and to the world, that we as the representatives of the people of Alabama, are decidedly in favor of the admission of the Republic of Texas into the Union; with equal rights, and upon an equal footing, with the sovereign States of the United States of America.

3. Resolved, That the Governor of Alabama, the President of the Senate and the Speaker of the House of the Representatives, in behalf of their respective houses, be requested to subscribe these resolutions either before or immediately after the adjournment of this General Assembly; that his Excellency the Governor be requested to forward a copy, to the Governor of each of the States and Territories of the Union, requesting them to present them to the legislatures of their respective States or Territories. A copy to the President of Texas: a copy to each of our Senators and Representatives in Congress, requesting them to urge the passage of all such laws, resolutions or treaties as may conduce to such, the desired object of the annexation of the Republic of Texas to the United States of America.

Mr Phillips moved to insert the word "unanimously" of the word "resolved;" which was carried.

On motion of Mr Hudson, the Senate then adjourned till to-morrow morning, 10 o'clock.

FRIDAY, 31, Dec. 1841.

The Senate met pursuant to adjournment.

Mr McVay offered the following resolution, which was adopted:

Resolved, that with the concurrence of the House the two Houses will assemble in the hall of the House this day, at 12 o'clock, M. for the purpose of going into the election of a medical board for Florence.

Message from the Governor by Mr Harrison:

Mr President,—His Excellency the Governor, has approved and signed a bill, making appropriations for the payment of certain claims against the State, which bill originated in the Senate.

The Senate proceeded to the consideration of the orders of the day.

An engrossed bill to repeal an act entitled an act to amend the Planters and Merchants bank of Mobile, approved April 26th 1841, was read the third time, and on motion of Mr Terry, ordered to lie on the table. Yeas 11 Nays 8.

Those who voted in the affirmative are, messrs President, Brindley, Clarke,

Creagh, Dent, Foster, McVay, Thornton, Toulmin, Turner and Watrous.

Those who voted in the negative are, messrs Jones, King, Lea, McClanahan, McConnell, Ross, Rodgers and Wilson of J.

Mr Hudson made the following report:

The joint examining committee at an early day after the election by the two Houses of the general assembly, proceeded to discharge the duties enjoined on them.

According to the existing law, members from the several counties are required to examine the indebtedness of the different counties—they are sorry to say, that many of the debts were not examined, owing in many instances to the ill health of members, or their being engaged in other duties on the nights set apart for the examinations. But your committee are of opinion that much of the difficulty arises from the great variety of debts scattered throughout different books, and classified under different heads, the committee would recommend that hereafter all the debts should be consolidated under the heads of their respective counties as is done at the State bank.

The above remarks will serve to account partly, at least, for the large amount of debts marked "unknown;" whereas the committee entertains no doubt that a large portion of that class of debts will yet turn out to be unquestionably good. Your committee found upon examination of the various laws regulating the State bank and branches, that their powers were confined chiefly to the officers of the State bank; and as no charges of a recent date in regard to transactions in that institution, have been preferred, the committee did not feel at liberty to set on foot any examination into its proceedings; they further state that the report made by the commissioners to the two Houses, was of so recent a date, that they did not deem it necessary to examine the amount of specie, notes, &c. although clothed with power to do so.

The committee take this occasion to say, that the examination annually made by the committee, subject to constant interruptions as it is on account of other legislative duties, must always be superficial, too much so entirely, to enable them to furnish a definite idea or thorough understanding of the actual condition of our banking affairs.

Your committee differ materially among themselves in regard to the ultimate success of our present banking system, but forbear to introduce these differences into this report. And though their labors have (as must be acknowledged) been of a supervisory and clerical character, and did not lead to a thorough and full examination in general and detail. The session now being near a close, they respectfully ask to submit the following statement marked A, and be discharged.

BEN. HUDSON,

Chairman on the part of the Senate.

Mr King moved to lay the report and accompanying statement on the table, and print 1,500 copies thereof.

The question being divided, it was first taken on laying on the table, and carried.

Next on printing, and lost.

Message from the House of Representatives by Mr Tunstall.

Mr President: The House of Representatives has passed a bill to author-

ise the trustees of the Methodist Episcopal Church, of the county of Pickens, called Tabernacle to hold real estate, as therein specified; which was read three several times (the rule being suspended) and passed.

Ordered, that the title be as aforesaid, and the House be acquainted therewith.

Mr King offered the following resolution:

Resolved, that the State Printer furnish the members of the Senate with 1,000 of the 5,000 copies ordered to be printed by order of the House, of the report of the joint examining committee of the State bank; which was adopted.

Message from the House of Representatives by Mr Tunstall.

Mr President: The House of Representatives have passed a bill which originated in the Senate, entitled an act for the relief of Bethel Holmes.

They have also passed a bill which originated in the House of Representatives entitled an act to divorce John M. Lehr from his wife Sally Lehr; in which they ask the concurrence of the Senate.

The bill from the House of Representatives to divorce John H. Lehr from his wife Sally Lehr, was read three several times, the rule being suspended, and passed.

Ordered, that the title be as aforesaid, and that the House be made acquainted therewith.

Message from the House of Representatives by Mr Tunstall.

Mr President: The House of Representatives have adopted the resolutions in relation to the admission of Texas into the Union.

Message from the Governor by Mr Harrison.

Mr President: His Excellency the Governor, has this day approved and signed a bill of the following title, to wit:

An act to alter the 1st and 10th judicial circuits, and for other purposes, which originated in the Senate.

Mr Jones, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

An act regulating the practice of dental surgery, and for other purposes.

An act making appropriations for the year 1842.

An act to incorporate the Tallapoosa lyceum.

An act to authorise the clerk of the circuit court of Randolph county, to record in his office all deeds of conveyance acknowledged and proven before him.

An act to extend the next term of the circuit court of Greene county, to 18 judicial days.

An act to compensate messrs Watkins & Sellers for merchandise purchased for the use of the State of Alabama.

An act to authorise the appointment of overseers to work on a certain road therein named.

An act for the relief of James M. Goodwin and others.

An act to divorce Simeon Wheeler from his wife Catharine; and

An act providing for holding extra terms of the chancery court, and for other purposes.

Message from the House of Representatives by Mr Tunstall.

Mr President: The House of Representatives has passed a bill of the following title, to wit:

An act to divorce Julia Ann Simmonds from her husband Richard Simmonds; in which they ask the concurrence of the Senate.

Also, a bill which originated in the Senate, entitled

An act to provide for defraying the expenses of the chancery courts of this State.

Also, joint resolutions in relation to the act of Congress, to distribute the proceeds of the sales of the public lands, &c.

They have also passed the bill to secure unknown, bad debts, &c.

They concur in the amendments made by the Senate to the bill to compensate certain persons.

Mr Phillips moved a call of the Senate, when the following Senators appeared and answered to their names:

Messrs Address, Baylor, Brindley, Buford, Clarke, Dent, Foster, King, Lea, McClanahan, McVay, Ross, Thornton, Toulmin and Turner.

The bill from the House to divorce Julia Ann Simmonds from her husband Richard Simmonds, was taken from the table, read three several times, the rule being suspended, and passed the Senate.

Ordered, that the title be as aforesaid, and that the house be acquainted therewith.

Message from the House of Representatives by Mr Tunstall.

Mr President: The House of Representatives have adopted the following resolution:

Resolved, that the Senate be respectfully requested to reconsider its resolution dissolving the portion of the joint committee appointed by that body.

Message from the House of Representatives by Mr Clitherall.

Mr President: The House has amended the resolution of the Senate proposing to go into an election of a medical board for the town of Florence, by striking out "12," and inserting "half past one;" in which the concurrence of the Senate is respectfully asked.

In which the Senate concurred.

Message from the House of Representatives by Mr Tunstall.

Mr Speaker: The House of Representatives have passed the bill to cause the commissioners of the penitentiary to be paid for their services, and have amended the same as therein shewn; which amendment was concurred in by the Senate.

Mr Ross, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

An act to authorise the sale of property in the town of Fairfield, Pickens county, and for other purposes.

An act to alter the mode of electing the assessor and tax collector of Montgomery county.

An act making appropriations for the payment of members of the general assembly, and the officers of both Houses.

An act to divorce Eliza Biggs from her husband Hugh Biggs.

An act to appoint public weighers in the town of Wetumpka.

An act to provide for the more effectual organization of 25th regiment of Alabama militia.

An act to incorporate the Florence lyceum.

An act to divorce John Lehr from his wife Sally Lehr.

An act to establish jury trials in justices' courts in certain counties in this State, and to regulate the proceedings therein.

An act to compensate certain persons therein named.

An act to incorporate the LaFayette artillery.

And joint resolutions in relation to the admission of Texas into the Union.

An act to divorce Julia Ann Simmonds from her husband Richard Simmons.

An act the better to secure bad, unknown and doubtful debts to the bank of the State of Alabama and branches.

An act for the relief of Bethel Holmes.

An act to compensate John M. Cooper as contractor for work done on the Tombigbee, and for other purposes.

An act to vest in Ann Jones, wife of Lewis M. Jones, certain rights and privileges therein named.

An act to extend the jurisdiction of justices of the peace in certain cases.

An act to incorporate the Alabama agricultural society.

An act to extend the charter of a turnpike road therein named.

An act to locate the seat of justice of Marion county, and for other purposes.

An act to change the time of holding the county court of Lauderdale county.

An act to abolish brigade encampment drills in the 18th brigade, 5th division.

An act to confirm the emancipation of certain persons therein named.

An act to incorporate Oak Grove male and female academy, in Pickens county.

An act to authorise the commissioners in township No. 19, in Talladega, to do acts therein named.

Message from the Governor by Mr Harrison.

Mr President: His Excellency the Governor, did on this day approve and sign bills of the following titles, to wit:

An act to revive the charter of incorporation of Uniontown, in Perry county.

An act for the relief of Bethel Holmes.

Which bills originated in the Senate.

Mr Andress moved to reconsider the vote taken yesterday upon the adoption of the resolution offered by Mr Phillips, dissolving the committee appointed on the part of the Senate, to investigate bank frauds; which was lost. Yeas 6—Nays 17.

Those who voted in the affirmative are, messrs Baylor, Buford, Dent, Hudson, Jones, King and Lea.

Those who voted in the negative are, messrs President, Brindley, Clarke, Creagh, Foster, Hunter, McClanahan, McVay, Phillips, Ross, Rodgers, Thornton, Toulmin, Turner, Watrous and Wilson.

Message from the House by Mr Tunstall.

Mr President: The House of Representatives have passed the bill which originated in the Senate for the relief of Wm. B. H. Howard and Edmund Galliard of Monroe county.

And also a bill to prevent the sacrifice of real estate, and amended the same as therein shewn.

The above amendments were severally concurred in by the Senate.

Message from the House by Mr Clitherall.

Mr President: The House of Representatives has passed the bill which originated in the Senate for the relief of Sally Partain, wife of James Partain, of Blount county.

On motion of Mr McClanahan, the vote taken upon concurring in the amendment made by the House to the resolutions in relation to certain elections, was reconsidered.

Mr McClanahan then moved to amend the amendment by striking out "one" and inserting "four," in lieu thereof; which was carried.

The Senate then adjourned until 4 o'clock this evening.

Message from the House by Mr Clitherall.

Mr President: The House of Representatives concur in the amendment made by the Senate in relation to going into certain elections.

They have also passed a bill which originated in the Senate for the relief of Ellison Warren, late tax collector of Barbour county.

Message from the Governor by Mr Harrison.

Mr President: His Excellency the Governor has approved and signed bills of the following titles, to wit:

An act to compensate John M. Cooper, for work done on the Tombigbee river, and for other purposes.

And joint resolutions of the State of Alabama in relation to monies due the State by the federal government growing out of the late Creek Indian disturbances.

Which originated in the Senate.

The Senate then took up the special order, which was the resolution of the Senate on the subject of adjourning sine die.

The question being on concurring in the amendment of the House, which proposed to strike out 25th inst., and in lieu thereof, insert 31st.

Mr Ross moved to amend the amendment by striking out 31st inst. and inserting 1st Jan. 1832; which was carried.

The Senate then repaired to the hall of the House for the purpose of electing a medical board for the town of Florence.

Mr President then announcee the object of the convention.

Messrs BENJ. F. CRITTENDEN, WM. C. CROSS, J. F. HARGROVES, HENRY W. McVAY and H. H. POSEY, alone being in nomination.

Those who voted for the entire nomination are of the Senate, messrs President, Baylor, Buford, Clarke, Creagh, Dent, Foster, Hunter, Jones, King, Lea, McConnell, McVay, Ross, Rodgers, Thornton, Toulmin, Watrous; and messrs Speaker, Alexander of Laud., Allen, Barker, Barron, Bradley, Cain, Cochran, Covington. Crenshaw, Crawford, Davis of B., Davis of L., Erwin, Ford, Garland, Grashem, Griffin of J., Griffin of S., Hammond, Haughton, Henry, Hendricks, Jones of Cov., Kennedy, King, Mason, B. McAlpin, R. C. McAlpin, EcMillion of J., Mitchell, Morgan, Norman, Norris, Norwood, Perkins, Randolph, Reynolds, Rodgers, Rushing, Smith of J., Smith of T., Spruill, Stoops, Tayler, Troup, Valliant, Walker of B., Walker of L., Winston, Woodward and Young of the House of Representatives.

—72.

The Senate then withdrew to their chamber, and Mr President resumed his seat.

Message from the House by Mr Tunstall.

Mr President,—The House of Representatives disagree to the amendment of the Senate to the bill, to amend an act regulating punishment under the Penitentiary system.

Mr McClanahan moved to lay the message and bill upon the table, which was lost.—Yeas 7, Nays 11.

Those who voted in the affirmative are messrs President, Hudson, Lea, McClanahan, McConnell, McVay and Thornton.

Those who voted in the negative are messrs Baylor, Buford, Creagh, Dent, Foster, Jones, King, Ross, Toulmin, Turner and Watrous.

Mr Buford moved that the Senate agree to its amendment, which was carried.

message by Mr Tunstall.

Mr President,—The House of Representatives have passed a bill which originated in the Senate, to amend the law in relation to witnesses in State cases.

Also a bill to alter the mode of assessing and collecting the taxes of Sumter county.

Mr Ross, from the committee on enrolled bills, reported that they had examined and found correctly enrolled, bills of the following titles, to wit:

An act further to provide for defraying the expenses of this State.

An act to extend and alter the time of holding the spring term of the circuit courts of certain counties therein named.

Message from the House of Representatives by Mr Tunstall.

Mr President,—The House have adopted the following resolution:

RESOLVED, that with the consent of the Senate, the two Houses will assemble forthwith, for the purpose of going into the election of three persons to examine the new Digest, provided for under the act approved 28th Dec., 1841.

Mr Terry moved to lay the resolution on the table, which was carried.

Mr Ross, from the committee on enrolled bills, reported as enrolled correctly;

“Joint resolutions of the General Assembly of the State of Alabama in relation to an act of the Congress of the United States, entitled an act to distribute the proceeds of the sales of the public lands, and grant pre-emption rights to settlers,” approved Sept. 4, 1841.

An act to incorporate a manufacturing company at the great falls of the Tallapoosa river, in the county of Tallapoosa.

Message from the House of Representatives by Mr Tunstall.

Mr President,—The House of Representatives have passed bills which originated in the Senate of the following titles, to wit:

An act to secure more speedily the collection of debts against corporations.

Joint resolutions to the Congress of the United States.

Also a bill which originated in the House, entitled an act supplementary to an act, to divide the State of Alabama into three chancery divisions, and for other purposes, approved 30th December, 1841; in which the concurrence of the Senate is asked.

The bill from the House of Representatives last above mentioned, the rule being suspended, was read three several times, and passed the Senate.

Ordered that the title be as aforesaid, and that the House be made acquainted therewith.

Message from the House by Mr Cook.

Mr President,—the House of Representatives have passed a bill for the payment of certain claims against the State, in which they ask the concurrence of the Senate.

The bill last above mentioned, the rule being suspended, was read three several times and passed the Senate.

Ordered that the title be as aforesaid, and that the House be acquainted therewith.

Message from the Governor by Mr Harrison.

Mr President,—His Excellency, the Governor, has approved and signed bills of the following titles, to wit:

An act to establish jury trials in justices' courts in certain counties in this State, and for other purposes.

An act better to secure unknown, bad, and doubtful debts owing to the bank of the State of Alabama and its several branches.

Joint resolutions in relation to the admission of Texas into the Union.

Which bills originated in the Senate.

On motion of Mr King the Senat then adjourned until half past six o'clock this evening.

EVENING SESSION, half past 6 o'clock, Dec. 31st, 1841.

The Senate met pursuant to adjournment.

Mr Jones, from the committee on enrolled bills, reported, that they had found correctly enrolled bills of the following titles, to wit:

An act for the relief of Wm. B. H. Howard and Edward Galliard, of the county of Monroe, and others.

An act for the better regulation of the management of steam boats.

An act for the benefit of Sally Partain, wife of James Partain, of Blount county.

An act to cause the commissioners of the Penitentiary to be paid for their services.

An act for the relief of Ellison Warren, late tax collector of Barbour county.

An act to authorise A. J. Kidd, Benj. C. Gray, and their associates, to erect a wharf on the Tombigby river, in the town of Demopolis.

An act to prevent the sacrifice of real estate.

An act to amend the law in relation to witnesses in State cases.

An act supplementary to an act to divide the State of Alabama into three chancery divisions, and for other purposes, approved Dec. 13, 1841.

And a joint memorial of the State of Alabama to the Congress of the United States.

Mr Buford made the following report:

The judiciary committee, to whom was referred a petition of a citizen of Russell county, seeking redress for injuries done by the citizens of Georgia, under color of jurisdiction in that State, to high water mark, on the western bank of the Chatahoochie river, have considered the same under a full conviction of the important question involved, and have instructed me to report.

That in the opinion of the Committee, as at present advised, the judiciary

seems the proper tribunal to which to resort, and that legislative interference does not as yet appear to be necessary, and ask to be discharged from the further consideration of the subject.

Signed,

BUFORD.

Mr Ross, from the committee on enrolled bills reported, as correctly enrolled,

An act to secure more speedily debts against incorporations.

Message from the Governor by Mr Harrison.

Mr President.—His Excellency, the Governor has approved and signed bills of the following titles, to wit:

An act further to provide for defraying the expenses of the State; and

Joint resolutions of the General Assembly of Alabama, in relation to an act of the Congress of the United States entitled an act to distribute the proceeds of the sales of the public lands, and to grant pre-emption rights to settlers, approved Sept. 4, 1841.

Mr McConnell offered the following resolution, to wit:

RESOLVED, by the Senate and House of Representatives:

That whereas, there is now remaining a great deal of business unfinished; that there are bills and resolutions of great importance to the State, which ought to be considered deliberately, and some of them passed; and measures too, which have consumed a great portion of the time of the two Houses during the session, and that many members have left the seat of government: and also further resolved, that on Saturday morning 1st Jan, 1842, the Secretary of the Senate and the Clerk of the House of Representatives under the direction of the presiding officer, they shall respectfully call the rolls so as to enable them to mark on the journals, the names of those who are present as well as those who are absent from the business which has cost the public so much to mature, & so that absentees may give their excuses the people: which was adopted.

Mr King moved that the Secretary be instructed to request the House of Representatives to return to the Senate its message informing them of the amendment to the resolution on the subject of adjourning sine die.

On motion of Mr Terry the Senate then adjourned until to-morrow morning half past 9 o'clock.

SATURDAY, Jan. 1, 1842.

The Senate met pursuant to adjournment.

Message from the Governor by Mr Harrison:

Mr President,—His Excellency the Governor, has approved and signed bills of the following titles, to wit:

An act to secure more speedily the collection of debts against incorporations.

An act for the relief of Wm. B. H. Howard and Edmond Galliard, of the county of Monroe and others.

An act for the relief of Sally Partain of Blount county, which bills originated in the Senate.

On motion of Mr King:

Resolved, by the Senate and House of Representatives, that a number of the captions of the acts passed at the present session be printed, sufficient to supply each member, of the two Houses with thirty copies, and that the door keepers furnish the same to the members as early as practicable.

On motion of Mr McClanahan:

Resolved, that a committee of three members of the Senate be appointed to act with such committee as may be appointed on the part of the House, to wait on his Excellency the Governor, and inform him that the two houses have completed the business before them and are now ready to adjourn sine die, and has no further communication to make to them.

Mr Watrous moved to reconsider the vote just taken upon the resolution offered by Mr McClanahan; which was carried.

On motion of Mr Watrous, the resolution was ordered to lie upon the table.

Message from the House of Representatives, by Mr Tunstall:

Mr President.—The House of Representatives concur in the amendment made by the Senate to the resolution to adjourn sine die, on this day, (Jan. 1st 1842.)

They also recede from their last amendmment to the bill from the Senate to prevent frauds in elections.

Mr Ross from the committee on enrolled bills, reported as correctly enrolled.

An act to alter the mode of collecting and assessing the taxes of Limestone county.

Message from the Governor, by Mr Harrison:

Mr President.—His Excellency the Governor, has approved and signed bills of the following titles, to wit:

An act to cause the commissioners of the penitentiary to be paid for their services.

An act to prevent the sacrifice of real estate.

An act for the relief of Ellison Warren, late tax collector of Barbour county.

An act to amend the law in relation to witnesses in State cases, and

An act to alter the mode of assessing and collecting the taxes of Sumter county.

Which originated in the Senate.

On motion of Mr McClanahan, the resolution offered by himself this morning, proposing to appoint a committee on the part of the Senate, to act with such committee as might be appointed on the part of the House, to wait on His Excellency the Governor, and inform him that they are now ready to adjourn sine die, was taken from the table and adopted.

Messrs McClanahan, McVay and Dent, were appointed the committee, on the part of the Senate.

Message from the House of Representatives by Mr Tunstall:

Mr President.—The House of Representatives have adopted the following resolution:

Resolved, That the Senate be informed that this House is now ready to adjourn sine die, and have appointed messrs R. C. McAlpin, Erwin and Reynolds, a committee, to wait on his Excellency the Governor to know of him if he has any further business for the two houses.

The resolution was concurred in by the Senate, and messrs McClanahan, McVay and Dent, were appointed on their part.

Mr Ross from the committee on enrolled bills, reported

A bill to prevent frauds in elections.

Mr Hudson presented the following protest:

We the undersigned protest against the adoption of the resolution, proposing to adjourn sine die, because the House of Representatives have failed and neglected to act upon the greater part of the bills passed by the Senate and which business is now lying upon their table unfinished, and which might be acted upon and completed by remaining in session a few days longer.

Jan. 1st 1842.

Signed,

BENJAMIN HUDSON,
NATH. TERRY,
FELIX G. MCCONNELL,
T. L. TOULMIN,
G. W. CERRAGE.

Mr Turner offered the following resolution :

Resolved by the Senate, that the thanks of this body be returned to the Hon. Nathaniel Terry, for the dignified and impartial manner in which he has discharged the duties of its presiding officer, during the present session: The harmonious action of the Senate in the dispatch of its business, furnishes the highest testimonial of his tact in parliamentary business, and his courteous demeanor towards the Senate.

Which was unanimously adopted.

Message from the Governor by Mr Harrison:

Mr President,—His Excellency the Governor has approved and signed a bill of the following title, to wit:

An act to prevent frauds in elections.

Which originated in the Senate.

Mr McClanahan made the following report :

The joint committee of the two Houses, appointed to wait on his Excellency the Governor, and inform him that their respective Houses had completed the business before them, and were now ready to adjourn sine die, if we had no further communication to make to them, report that they have performed that duty and received for answer, that he has no further communication to make.

The House of Representatives having informed the Senate of their concurrence in the resolution.

Mr President arose and delivered the following address:

GENTLEMEN OF THE SENATE,—I am admonished by a resolution which I find on my desk, adopted unanimously, that a dissolution of this body is at hand. I am gentlemen, utterly at a loss for language, adequately to express the deep and abiding sense of gratitude that the resolution inspires in my bosom; a compliment, I know, growing out of that kind, indulgent and magnanimous feeling, by which you have on all occasions during the whole session manifested, not only towards your humble presiding officer, but to each other. I can in truth say, that for suavity of manners, upright and gentlemanly deportment, you would not have lost any thing by a comparison with any deliberative body ever assembled in this, or any other State; characterised throughout by a zeal and ability fully equal to the fondest anticipations of the sovereign people of the State.

And gentlemen, it shall be my pride and pleasure to bear my willing testimony to your fidelity and promptness in the promotion of all the business of legislation.

Individually and collectively you deserve, and I have no doubt will receive the plaudits of good and faithful public servants; for any degree of facility, with which I have discharged the duties of the chair, I concede cheerfully the whole credit to the honorable members of the Senate. To you gentlemen, I feel indebted for the efficient and prompt aid, always, and upon all occasions, afforded me, in discharging the many and some times perplexing duties of the chair. You have all exercised a degree of patience towards me that it would be more than criminal ingratitude in me, not to thank you individually and collectively, in the kindest and most affectionate manner in my power.

A recurrence to which, will never fail to freshen in my recollection your kindness and courtesy towards me, so little deserving it, and portray anew the many happy hours we have spent together in the discharge of public duties and social intercourse.

Gentlemen, there is a subject, perhaps foreign to an address of this kind, but one which lies at the bottom of my heart—the importance of which I hope will be a sufficient apology for briefly adverting to it on this occasion, it is the faith and credit of our beloved State, which I yet have hopes, that by a prudent and efficient course of management of the banks of our State, the people may never have to be burthened to make good any portion of their capital stock: an opposite course might make it necessary to call upon the debtors to pay something in the way of taxes,—then it behooves every patriot in the land and more particularly the representatives of the people to use all the means in their power to inculcate into them the necessity and importance of preserving inviolate the plighted faith of the State;—tell them of the many advantages altogether for a number of years, the benefits conferred on the poor and indigent by furnishing the means of education, &c.

I shall have but little to do in this way—I mistake the people, I have the honor to represent here, if they ever murmur when it becomes their duty to stand forth to defend the honor and character of the State, if they are not almost amounting to unanimity for sustaining our credit and character as an independent and sovereign State. I have conversed upon the subject with many of them, and I know their sentiments and feelings, but at the same time, I know as well, that they expect of us the enactment of laws to better the system, and to furnish them with a sound circulating medium; this they have a right to expect, and I am happy to know and be able to state, that this branch of the legislature at this session, did pass a bill changing the manner and mode of electing bank directors, and a bill to place in a progressive state of liquidation the branch bank at Mobile; also a bill making it imperious upon the State bank and its branches, to do their collecting through and depositing with each other, thereby making a great annual saving to the State; as well as a bill for the punishment of bank frauds in future, which we have abundant reason to apprehend has been attempted heretofore; all of which have been lost in the co-ordinate branch of the legislature, either by a rejection or a premature adjournment; for this however, a joint constituency will not hold this body responsible, they having done all in their power to do. I speak of these things for the purpose of placing responsibility where it belongs.

Gentlemen I feel that I have been too tedious upon this digression, from

what might at a different time, and under different circumstances, be considered proper in a valedictory address.

I cannot think of closing without returning my thanks to the worthy Secretary and Assistant Secretary, for the prompt and satisfactory discharge of their duties.

Gentlemen, we shall bid farewell to each other, perhaps, never to meet again on this side of eternity; then let me beseech you, and each of you, it in the heat of debate, there has been any animosities, as does sometimes happen, engendered towards each other. in the name of God let them be forgiven and forgotten, and part like a band of brothers. For myself, I can in sincerity say, that for you gentlemen individually, and collectively, I entertain the highest regard; and wherever your lots may be cast for the future, you carry with you my prayers for your prosperity and happiness. I hope you may all reach your homes in safety, finding your families and friends well.

Gentlemen of the Senate, I now bid you an affectionate farewell;—should any one of you have occasion to visit North Alabama, I beg of you to call at my humble domicil, when I pledge myself that no one of you will ever “find the string of the latch pulled in.”

I now pronounce the Senate adjourned **SINE DIE.**

NATHANIEL TERRY, President
Of the Senate.

Attest,

B. A. PHILPOT, Secretary to the Senate.